

RECORD OF DECISIONS of the meeting of the Cabinet held on Tuesday, 25 July 2023 at 2 pm at the Guildhall, Portsmouth

Present

Councillor Steve Pitt (in the Chair)
Suzy Horton
Dave Ashmore
Kimberly Barrett
Lee Hunt
Hugh Mason
Darren Sanders
Gerald Vernon-Jackson
Matthew Winnington

54. Apologies for Absence (AI 1)

Apologies for absence were received from Councillor Ian Holder.

55. Declarations of Interests (AI 2)

Councillor Sanders declared a prejudicial interest in agenda item 9 (Mandatory Licensing of Houses in Multiple Occupation) as he lived in one. He would leave the meeting for this item.

56. Record of previous decision meeting - 27 June 2023 (AI 3)

The record of decisions from the meeting held on 27 June 2023 was approved as a correct record.

57. Appointment to outside body - Portsmouth Naval Base Property Trust (AI 4)

Councillor Pitt said he would not be involved in voting on the item nor the appointment process as he was a Trustee. He explained the post was remunerated and the Trust was carrying out a skills audit for trustees to ensure the appointee matched the role. As there would be an interview with the Chair of the Trustees and the Chief Executive of the Trust some members felt confirmation of the appointment should be deferred until after the interview in case it seemed as if the council was recommending who to appoint. Other members noted that offers of employment were often made subject to an interview or references so supporting Councillor Simpson's application was not binding.

The Cabinet agreed to support Councillor Russell Simpson in his application for the above appointment and that his name is put forward for consideration.

58. Review of the 2023 local elections (AI 5)

Ian Fitchett, Electoral Services Manager, introduced the report, noting that the Electoral Commission was working on a national report.

Members noted that the report did not include people who did not apply for a voter authority certificate nor went to the polling station. The figures did not include how many were turned away by stewards so might not be a true reflection of the numbers who could not vote. Some residents had said they

had not gone to the polling station as they thought they did not have the right ID, especially senior citizens. Some had said they would not vote as a protest against the new law.

Members felt that 99 people who could not vote because of not having ID was 99 too many. Anyone eligible to vote should be able to, otherwise it was voter suppression and preventing people exercising their democratic rights. The report was good but some parts were extremely depressing. Turnout would have to be compared over several years but as voter fraud was almost non-existent the policy was using a hammer to crack a nut. Members noted anomalies in that older people's bus passes were valid ID but not those for young people. They asked why work photo ID was not accepted, including ID for those who had been security vetted. Residents could be asked to bring the polling cards that were already sent out.

In response to questions from members, Mr Fitchett said rules were changing to restrict the number of votes to six (including their own) that one person could hand in at a polling station, though such instances were very low in Portsmouth. Online applications for postal votes, which would be valid for three years, could be made from the end of the year. Changes would be phased in from 2025 and current postal voters would need to apply by January 2026.

Stewards were paid about £170 to £180 per day, though some polling stations would have had stewards anyway, especially the busier ones. Their role depended on the particular polling station and since Covid poll clerks have been rebranded as stewards as the third clerk usually had a steward's role. They assisted the public when one building had more than one polling station but this year their main role was reminding people about ID.

Councillor Pitt agreed with members' suggestions that he should write to the Prime Minister with the concerns.

The Cabinet noted the report.

59. Bathing Water Quality (AI 6)

Steve Bell, Regulatory Services Lead, introduced the report. Councillor Pitt thanked Mr Bell and Richard Lee, Assistant Director, for their work, and requested thanks to be placed on record to Havant Borough Council for their support.

Councillor Graham Heaney made a deputation. Deputations are not minuted but can be viewed on the website at

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In response to points raised by Councillor Heaney, Mr Bell said it was difficult to identify one particular cause for poor water quality around South Parade Pier as it could be due to a number of factors; investigations were taking place with the Pier's management team. Southern Water have investigated the

businesses on the Pier and cracked and blistering Victorian piping has been replaced and repaired. There was no information about the peak on 19 June but it could be due to UV light or the tide; officers could investigate and report back. A groundwater leachate survey on 18 May using a fluidon (??) instrument showed elevated levels of E.coli around the Pier. Earlier surveys had showed that a disused toilet block might have discharged into a lateral drain. On 21 June Southern Water found that an internal inspection chamber in the toilets was blocked by dairy products; this has now been cleared and repaired.

The threshold for closing the beach was dictated by the Environment Agency and was based on the percentage of E.coli per 100 ml of water. If the quality was classified as poor or prohibition the council would have to notify the public but they probably could not physically prevent people going in the water. Recent results were promising though it could not be guaranteed there would not be a warning.

In response to members' questions, Mr Bell said the Environment Agency was leading on sampling and monitoring. The Pier's management team was engaging positively and inspected underneath it weekly. All remedies have been done so far.

Results from monitoring have been correlated with other factors and there seemed to be correlation with heavy rainfall. Evidence showed the coastal defence work was not a problem.

There were no specific boundaries for Southsea East and Eastney beaches as the Environment Agency took samples at a specific point and then classified the whole area.

Members felt the poor water quality was a concern as it impacted human, economic and marine life and should not have deteriorated this far. The seafront was a source of employment. They welcomed the digital information panels and thanked organisations like Stop the Sewage Southsea for putting pressure on Southern Water and the Pier for stepping up, an example of partnership working. They were disappointed that it was not until 2050 that no storm overflows would be permitted outside of unusually heavy rainfall.

Councillor Pitt noted results were taken over a multiple year average so if historic positive results had fallen away and remained satisfactory the risk of falling into the poor classification increased. There could be several causes but the situation was improving and might be resolved by a combination of solutions. Testing was part of business as usual for Regulatory Services and hugely appreciated. It put pressure on neighbours to do likewise. The council was co-operating with the Environment Agency who were leading on the process and directing Southern Water. The council wanted the public to be aware of what was happening. He thanked all those who had participated in the process to date, especially with Southsea East and the noticeboards. Everyone involved needed to agree on the information displayed so the process felt valid and not a tick box exercise.

DECISIONS

The Cabinet approved the proposals to

- 1. Locate a digital terminal/s on the seafront which would constantly display Southern Water's Beachbuoy webpage to provide details in respect to storm release activity near our designated bathing waters. Southern Water are currently trialling water quality monitoring buoys. The aspiration is, on completion of successful trials, to include this information on the terminals, but there is no fixed date for this as yet.**
- 2. Continue to work with partners to monitor and protect the quality of our seawater.**

60. Approval of the Corporate Plan (AI 7)

Kelly Nash, Corporate Performance Manager, introduced the report.

Councillor Horton thanked Ms Nash for the report and said the enormous amount of hard work that went into running the "business as usual" of valued services needed to be acknowledged. The council did many things that did not always get attention so all officers, including those who were not usually seen, should be acknowledged. Members were under no illusion about how tough the current climate was. Councillor Pitt requested that the acknowledgement be officially noted.

DECISIONS

The Cabinet

- 1. Approved the updated Council's Corporate Plan - 2023-24 (see Appendix 1)**
- 2. Noted that the plan demonstrates the Council's commitment to supporting the achievement of the Vision for Portsmouth that has previously been agreed with partners as well as demonstrating how the Council is delivering for the residents of Portsmouth in these challenging times**
- 3. Agreed that delegated authority be given to the Chief Executive to make minor changes to the draft document prior to publication.**

61. Ratification and update of the Waste Collection Policy (AI 8)

Colette Hill, Assistant Director, Neighbourhoods, introduced the report. The policy started from 1 September with door knocking and communications from late August to October.

In response to questions from members, Ms Hill confirmed that

- there would be one free educational visit to a household when a bin contained contaminated waste and then charges would apply;
- bins greater than 180 litre capacity would not be supplied to flat-fronted properties but the council could offer alternative receptacles. Bins would only be provided for flat-fronted properties if they were removed from the street. There was guidance on the council's website and those ordering a bin were reminded of correct usage.

Members welcomed the educational approach and felt the updated policy was fairer and more helpful to residents in that they would not be penalised if someone else put the wrong sort of rubbish in their bin. Bins left on the street

were a frequent concern for residents as they obstructed those with mobility or vision problems or who used buggies, pushchairs and wheelchairs. Repeated visits to households was time officers could be doing something else; there was also a cost for dealing with contaminated waste. The policy allowed for residents who could not move bins inside so it addressed concerns but was realistic. Members were impressed people wanted to recycle and rates of recycling needed to increase but there was sometimes a lack of understanding and comprehension; residents needed to take ownership. Members congratulated all those involved with the policy.

DECISIONS

The Cabinet

- 1. Approved the ratification and update of the Waste Collection Policy (Appendix 1), which includes;**
 - i. the changes related to the Environment Act 2021 and the provision of additional recycling**
 - ii. the introduction of a charge to dispose of contaminated recycling as refuse.**
 - iii. the update to the policy regarding the provision of waste receptacles to those properties with limited frontage to store waste receptacles, while accounting for reasonable adjustments to those with protected characteristics.**
 - iv. the waste presentation time change to 6am.**
- 2. That cabinet delegate further changes to the waste collection policy relating to the new Portsmouth City Council in-house waste collection service (starting on 01 April 2024) to the Director of Housing, Neighbourhoods and Buildings Services in consultation with the Cabinet Member for Environmental Services.**
- 3. Cabinet note that further updates will be required to the Waste Collection Policy, once the government / DEFRA have clarified when the EPR/DRS will be introduced.**

Councillor Sanders left the meeting at 3.20 pm.

62. Mandatory Licensing of Houses in Multiple Occupation (AI 9)

Clare Hardwick, Head of Private Sector Housing, introduced the report.

Members said it was important people had somewhere decent to live so regulatory alignment was needed between houses in multiple occupation (HMO) under the mandatory and additional licensing schemes. Licensing was an incentive to be a good landlord as that meant paying a lower licence fee.

In response to questions from members, Ms Hardwick agreed that in order for licensing to be successful the policy would need to be enforced. Housing already investigated potentially unlicensed HMOs under the mandatory scheme. The law allowed Housing to enforce the policy and offenders could be fined up to £30,000 per offence or face prosecution.

Officers agreed they could consider compliance with planning conditions and not just planning permission in order to rely less on planning policy. Members noted that Planning had to investigate properties that had never had

permission to be an HMO. More investigation into suspected unregulated HMOs would protect people who lived in them and who were often the least able to know their rights.

DECISIONS

The Cabinet agreed to

- 1. Change the Mandatory HMO Licensing scheme, to alter the Mandatory HMO Licensing model, fee structure and Licence conditions to create consistency between Mandatory and Additional Licensing of HMOs.**
- 2. Instruct officers to carry out a non-statutory consultation with existing Mandatory HMO Licence holders to be conducted from 26 July to 16 August 2023 on the proposal to create consistency between the Mandatory HMO licensing scheme and Additional Licensing scheme, as outlined in this report, including a new approach to administering licences for different terms as outlined in Appendix 1, a new Licensing fee structure as outlined in Appendix 2, and new licence conditions as outlined in Appendix 3. Officers should then return to Cabinet on 5 September 2023 with the outcome of this consultation, in a report to present the final proposals for Cabinet's approval.**

The meeting concluded at 3.30 pm.

Councillor Steve Pitt
Leader of the Council