



Notice is hereby given that a **MEETING** of the **COUNCIL OF THE BOROUGH OF GOSPORT** will be held in the **TOWN HALL, GOSPORT** on **WEDNESDAY** the **TWENTIETH** of **JULY 2016 AT 6PM** AND ALL MEMBERS OF THE COUNCIL ARE HEREBY SUMMONED TO ATTEND TO CONSIDER AND RESOLVE THE FOLLOWING BUSINESS –

1. To receive apologies from Members for their inability to attend the Meeting.
2. To confirm the Minutes of the Meetings of the Council meeting held on 18 and 19 May 2016 and the Extraordinary Meeting held on 8 June 2016 (copy herewith).
3. To consider any Mayor's Communications.
4. To receive Deputations in accordance with Standing Order No 3.5 and to answer Public Questions pursuant to Standing Order No 3.6, such questions to be answered orally during a time not exceeding 15 minutes.

(**NOTE:** Standing Order No 3.5 requires that notice of a Deputation should be received by the Borough Solicitor **NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 18 JULY 2016** and likewise Standing Order No 3.6 requires that notice of a Public Question should be received by the Borough Solicitor **NOT LATER THAN 12 O'CLOCK NOON ON MONDAY, 18 JULY 2016**).

5. Questions (if any) pursuant to Standing Order No 3.4.

(**NOTE:** Members are reminded that Standing Order No 3.4 requires that Notice of Question pursuant to that Standing Order must be received by the Borough Solicitor **NOT LATER THAN 12 O'CLOCK NOON ON TUESDAY, 19 JULY 2016**).

6. To receive the following Part II minutes of the Boards of the Council:
 - Economic Development Board: 19 May 2016 and 15 June 2016
 - Community Board: 19 May 2016 and 29 June 2016
 - Policy and Organisation Board: 19 May 2016 and 6 July 2016

7. Shared Management appointment of Officers.

To advise Council on the progress of shared management arrangements with Portsmouth City Council and to appoint officers including statutory officers.

**IAN LYCETT
CHIEF EXECUTIVE**

**TOWN HALL
GOSPORT**

12 July 2016

FIRE PRECAUTIONS

(To be read by the Mayor if members of the public are present)

In the event of the fire alarm being activated, please leave the Council Chamber and Public Gallery immediately. Proceed downstairs by way of the main stairs or as directed by GBC staff, follow any of the emergency exit signs. People with disability or mobility issues please identify yourself to GBC staff who will assist in your evacuation of the building.

This meeting may be filmed or otherwise recorded. By attending this meeting, you are consenting to any broadcast of your image and being recorded.

MEMBERS ARE REQUESTED TO NOTE THAT:

(1) IF THE COUNCIL WISHES TO CONTINUE ITS BUSINESS BEYOND 9.30PM THEN THE MAYOR MUST MOVE SUCH A PROPOSITION IN ACCORDANCE WITH STANDING ORDER 4.11.18

(2) MOBILE PHONES SHOULD BE SWITCHED OFF OR SWITCHED TO SILENT FOR THE DURATION OF THE MEETING

**A MEETING OF THE ECONOMIC DEVELOPMENT BOARD
WAS HELD ON 19 MAY 2016**

The Mayor (Councillor Mrs Hook) (ex-officio) (P), Councillors Hook (ex-officio) (P), Ms Ballard (P), Bateman (P), Beavis (P), Ms Diffey (P), Edgar (P), Farr (P), Mrs Forder (P), Mrs Furlong (P), Mrs Huggins (P), Miss Kelly (P), Philpott (P), Mrs Prickett (P), Raffaelli (P), Mrs Wright (P),

PART II

5. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Philpott be appointed as Chairman of the Economic Development Board for the Municipal Year 2016-17.

6. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Beavis be appointed as Vice-Chairman of the Economic Development Board for the Municipal Year 2016-17.

The meeting concluded at 5.40pm

CHAIRMAN

**A MEETING OF THE ECONOMIC DEVELOPMENT BOARD
WAS HELD ON 15 JUNE 2016**

The Mayor (Councillor Mrs Hook) (ex-officio), Councillors Hook (ex-officio), Ms Ballard (P), Bateman (P), Beavis, Ms Diffey (P), Edgar (P), Farr (P), Mrs Forder, Mrs Furlong (P), Mrs Huggins (P), Miss Kelly (P), Philpott (P), Mrs Prickett (P), Raffaelli (P), Mrs Wright (P).

It was reported that in accordance with Standing Order 2.3.6 Councillors Mrs Jones and Scard had been nominated to replace Councillors Beavis and Mrs Forder for this meeting.

PART II

11. SALE OF FREEHOLD OF LAND ADJACENT TO 38 NAISH DRIVE, GOSPORT PO12 4AP

Consideration was given to the report of the Chief Executive seeking approval for the freehold disposal of land adjacent to No 38 Naish Drive to the owners of No 38 Naish Drive.

A Member advised that as Ward Councillor, they had received no objections to the proposal and that no complaints had been received. It was also confirmed that Ward Councillors had been consulted on the proposals.

Members were advised that the matter was a matter for the Economic Development Board as it was not suitable for residential development.

Members were also advised that the valuation had been undertaken by external valuers and the report was available to Members of the Board upon request.

RESOLVED: That

- a) the land adjacent to 38 Naish Drive, Gosport (identified in Appendix A of the report of the Chief Executive) be declared surplus to the Council's requirements; and that
- b) the proposed disposal be approved.

12. LAND AT GOSPORT LEISURE PARK

Consideration was given to the report of the Borough Solicitor and Deputy Chief Executive detailing consideration of the marketing of land at Gosport Leisure Park.

Members were advised that it was felt there was a demand for a small café or coffee shop on the site of the Leisure Centre.

Members expressed a desire that subject to final design trees would be retained wherever possible. Members were advised that the trees were not subject to a Tree Preservation Order.

Members expressed concern that a fast food drive was not suitable for the site.

In answer to a Member's question, the Board were advised that at this stage the proposal was to market the land.

Members welcomed that the proposal would bring jobs to the Borough.

RESOLVED: That the marketing of the land shown hatched black on Appendix 1 of the report of the Borough Solicitor and Deputy Chief Executive for a convenience store or café/coffee shop (including drive through facility) use be approved.

The meeting concluded at 6.21pm

CHAIRMAN

**A MEETING OF THE COMMUNITY BOARD
WAS HELD ON 19 MAY 2016**

The Mayor (Councillor Mrs Hook) (ex-officio) (P), Councillors Hook (P), Mrs Batty (P), Bateman (P), Burgess (P), Earle (P), Mrs Huggins (P), Hylands, Mrs Jones, Mrs Kelly (P), Mrs Morgan, Murphy (P), Ronayne (P), Scard (P), Mrs Wright (P), Wright (P)

It was reported that in accordance with Standing Order 2.3.6, Councillor Hook had been nominated to replace Councillor Mrs Morgan for this meeting.

PART II

5. ELECTION OF CHAIRMAN

RESOLVED: That Councillor Burgess be appointed as Chairman of the Community Board for the Municipal Year 2016-2017.

6. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Murphy be appointed as Vice-Chairman of the Community Board for the Municipal Year 2016-2017.

The meeting concluded at 5.38pm

CHAIRMAN

**A MEETING OF THE COMMUNITY BOARD
WAS HELD ON 29 JUNE 2016 AT 6PM**

The Mayor (Councillor Mrs Hook) (ex-officio), Councillor Hook (ex-officio), Councillors Mrs Batty (P), Bateman (P), Burgess (P), Earle (P), Mrs Huggins (P), Hylands (P) Mrs Jones (P), Miss Kelly (P), Mrs Morgan (P), Murphy (P), Ronayne (P), Scard (P), Mrs Wright, Wright

It was reported that in accordance with Standing Order 2.3.6, Councillors Mrs Cully and Farr had been nominated to replace Councillors Mrs Wright and Wright for this meeting.

PART II

12. HOUSING SERVICE REVIEW – UPDATE AND NEXT STEPS

Consideration was given to a report of the Chief Executive advising the Board of the direction of travel for the Housing Service in light of the shared management option being implemented with Portsmouth City Council and to provide the Board with the next steps and timescales.

James Hill was introduced to the Board as the new shared Housing Services Manager.

A Member asked for clarification on what effect these savings would have on the repairs budget. The Borough Treasurer advised that currently no expenditure details had yet been confirmed.

A Member asked if ward Councillors would be kept informed of any changes to contact details in the Housing service. The Housing Manager confirmed that they would and said that other than himself coving the work of the Housing Services Manager and Julie Smith covering the work of the Head of Operational Support, all other contact details remained the same.

A Member asked for clarification on the new builds at St Vincent Road and the opportunity for tenants to exercise their Right to Buy on the new developments. It was confirmed that there was a 'cost floor' rule in place which restricted occupier's right to buy within a certain period of time. The Housing Service Manager advised that he would send an email to Board members with the detail and impact on right to buy.

RESOLVED: That the Community Board note the direction of travel and the next steps and related timescales of the Housing Service and understand that further updates would come to the Board as and when necessary.

13. FIXED PENALTIES

Consideration was given to a report by the Borough Solicitor and Deputy Chief Executive specifying to Members the fixed penalties payable in pursuance of fixed penalty notices issued for offences contrary to Sections 48 and 67 of the Anti-social Behaviour, Crime and Policing Act 2014 and Section 33 (1) (a) of the

Environmental Protection Act 1990.

Following a Member's question it was advised that current enforcement in Gosport was comprehensive and that if more work was generated as a result of the issuing of fixed penalty notices additional support would be considered to the enforcement team.

Following a Member's question, it was clarified by the Borough Solicitor and Deputy Chief Executive that once a fixed penalty notice was issued and no payment was forthcoming, legal proceedings could commence.

Further to a Member asking if PCSO's would be authorised to issue penalty notices on behalf of Gosport Borough Council it was advised that this would need to be investigated as there may be a formal process to complete.

RESOLVED: That the Community Board approves the fixed penalties set out in Appendix 1 of the report of the Borough Solicitor and Deputy Chief Executive.

14. ANY OTHER BUSINESS

There was no other business.

The meeting concluded at 18:30

CHAIRMAN

**A MEETING OF THE POLICY AND ORGANISATION BOARD
WAS HELD ON 19 MAY 2016**

The Mayor (Councillor Mrs Hook) (ex-officio) (P), Councillors Allen (P), Bateman (P), Burgess (P), Carter (P), Chegwyn (P), Mrs Cully (P) Edgar (P), Foster-Reed (P), Hook (Chairman) (P), Hicks (P), Hylands, Jessop (P), Murphy (P), Philpott (P)

PART II

5. ELECTION OF VICE-CHAIRMAN

RESOLVED: That Councillor Burgess be appointed Vice-Chairman of the Policy and Organisation Board for the Municipal Year 2016-17.

The meeting concluded at 5.34pm

CHAIRMAN

**A MEETING OF THE POLICY AND ORGANISATION BOARD
WAS HELD ON 6 JULY 2016**

The Mayor (Councillor Mrs Hook) (ex-officio), Councillors Allen (P), Bateman (P), Burgess (P), Carter, Chegwyn (P), Mrs Cully (P) Edgar (P), Foster-Reed (P), Hook (Chairman) (P), Hicks (P), Hylands (P), Jessop (P), Murphy (P), Philpott (P)

It was reported that in accordance with Standing Order 2.3.6 Councillor Beavis had been nominated to replace Councillor Carter for this meeting.

PART II

10. SAFEGUARDING CHILDREN AND ADULTS POLICY 2016

Consideration was given to the report of the Chief Executive seeking approval of a revised Safeguarding Children and Adults Policy and corresponding operational guidance to replace the existing policy and handbooks.

In answer to a Member's question, the Board were advised that the responsibilities detailed in the as those of the Head of Personnel were to be transferred to the Head of Human Resources at Portsmouth City Council.

Members welcomed the Policy and questioned whether improvements had been made to ensure that the following up of cases had been strengthened. The Board were advised that the follow up procedure had been strengthened but that it was not always possible to tell those reporting issues all of the details because of data protection laws.

In answer to a Member's question, the Board were advised that staff undertook training via an e learning package.

Members thanked officers for their hard work in producing the report.

RESOLVED: That the Safeguarding Children and Adults Policy in Appendix A of the report of the Chief Executive and the Safeguarding Operational Guidance in Appendix B of the report of the Chief Executive be approved.

**11. APPLICATION TO REGISTER THE JUNCTION TAVERN AS AN ASSET OF
COMMUNITY VALUE**

Councillor Hylands declared a personal interest in the item, remained in the room but took no further part in the discussion or voting thereon.

Consideration was given to a report of the Chief Executive requesting determination of an application received to register the Junction Tavern Public House, in Leesland Road as an Asset of Community Value.

Councillor Chegwyn, ward councillor for Leesland gave the Board an overview of the recent history of the Junction Tavern, recognising its importance to the community and the effort that had gone in to restoring it.

The Board was advised that registration as an Asset of Community Value (ACV) would, if the Public House was placed on the market for sale, give CAMRA, as the ACV applicant, 6 months to raise funds to purchase the building, should they wish to.

In answer to a Member's question, the Board was advised that the owner of the freehold of the building would be advised should the registration of the property be agreed, and would be able to appeal the decision at Full Council, should they so wish.

Members welcomed the proposal, particularly as a large number of Public Houses in Gosport were closing.

RESOLVED: That the Junction Tavern Public House be registered as an Asset of Community Value.

12. NIMROD CENTRE IMPROVEMENT

Councillor Jessop declared a pecuniary interest in the item as a trustee of the Trust.

Councillor Burgess declared a personal interest in that he the centre was within his County division and the County Council had awarded the Centre £142000.

The Chief Executive declared a personal interest as he was the Council's representative on the Trust.

By reason of special circumstances, the Chairman determined that the following item be considered at this meeting notwithstanding the fact that the item had not been available for public inspection in accordance with the provisions of Section 100B(4)(a) of the Local Government (Access to Information) Act 1985.

The special circumstances were created by the fact that the centre was keen to undertake the development work over the summer and that the project was scheduled to take 3-6 months. The next meeting of the Policy and Organisation Board was not scheduled until September.

Policy and Organisation Board
6 July 2016

Members welcomed the proposals and acknowledged that it would bring the centre in line with the rest of the development.

In answer to a Member's question, the Board was advised that the restricted funds highlighted in the accounts of the trust were the value of the building.

RESOLVED: That a contribution of £5,000 towards the proposed improvements to the Nimrod Centre, Grange on the terms as outlined in the report of the Chief Executive be approved.

The meeting concluded at 6.26pm

CHAIRMAN

AGENDA ITEM NO.7

Board/Committee:	COUNCIL
Date of Meeting:	WEDNESDAY 20 JULY 2016
Title:	SHARED MANAGEMENT- APPOINTMENT OF OFFICERS
Author:	CHIEF EXECUTIVE
Status:	FOR DECISION

Purpose

To advise Council on the progress of shared management arrangements with Portsmouth City Council and to appoint officers including statutory officers.

Recommendation

Council agree to appoint as from 1 October 2016 :-

1. David Williams as Chief Executive and the statutory officer appointment as Head of Paid Service;
2. Michael Lawther as Borough Solicitor and Deputy Chief Executive and the statutory officer appointment as Monitoring Officer;
3. Christopher Ward as Borough Treasurer and the statutory officer appointment as Chief Finance Officer (Section 151 Officer);
4. Michael Lawther, pursuant to Section 35 of the Representation of the People Act, as Returning Officer for the Council with authority to act in that capacity for elections to the Council.
5. Michael Lawther, pursuant to Section 8 of the Representation of the People Act 1983, as the Council's Registration Officer.
6. That, in relation to the conduct of local authority elections and polls, and elections to the United Kingdom Parliament, and all other electoral duties where the Council is entitled by law to do so, the Council shall take out and maintain in force insurance indemnifying the Council and the Returning Officer against legal expenses reasonably incurred in connection with the defence of any proceedings brought against the Council or the Returning Officer and/or the cost of holding another election in the event of the original election being declared invalid (provided that such proceedings or invalidation are the result of the accidental contravention of the Representation of the People Acts or other legislation governing the electoral process, or accidental breach of any ministerial or other duty by the Returning Officer or any other person employed by or officially acting for him in connection with the election or poll).
7. That, in the event of such insurance carrying an 'excess' clause by which an initial portion of risk is not insured, the Council, through its internal insurance fund or otherwise, will indemnify the Returning

Officer up to the value of such excess.

1 Background

- 1.1 The Council agreed on 8 June 2016, subject to Portsmouth City Council (PCC) agreeing, to share management with them and to make a number of officers redundant.
- 1.2 PCC have now agreed to share management as set out in the June report to Council.
- 1.3 Discussions on the legal agreement between the Council's to effect these arrangements are progressing well and the agreement should be completed shortly.

2 Report

- 2.1 As stated in the June report generally the Council has discretion as to which officers it needs to discharge its functions; however they are required to appoint one of their officers to each of the following roles; Head of Paid Service; Monitoring Officer; Chief Finance Officer (Section 151 Officer); Returning Officer; and Registration Officer.
- 2.2 As the officers appointed to these statutory roles are redundant on 30 September 2016 discussions have been held with PCC to identify which of their officers will undertake these roles. PCC have agreed that David Williams, PCC Chief Executive and Head of Paid Service will undertake these roles for the Council; Michael Lawther, City Solicitor and Deputy Chief Executive and Monitoring Officer will undertake these roles for the Council; Chris Ward is Director of Finance and Section 151 Officer at PCC and he will undertake the Borough Treasurer and Chief Finance Officer (Section 151 Officer) roles for the Council.
- 2.3 PCC have also agreed that Michael Lawther is appointed as the Council's Returning Officer and Registration Officer. The Returning Officer is personally responsible and liable for the running of elections and it is standard practice to provide adequate insurance for this role and provide an indemnity to the Returning Officer.
- 2.4 Arrangements are proceeding to ensure that the relevant officers of PCC are aware of this Council's policies, procedures and practices in advance of the commencement on 1st October.

3 Risk Assessment

3.1 The Council has to appoint officers to the posts identified in this report.

Financial implications	As detailed in the report to Council 8 June 2016 the shared management arrangements with Portsmouth City Council will give rise to significant savings to this Council.
Legal implications	PCC have confirmed that the individuals named in the report have consented to be placed at the Councils disposal and they will from 1 October be able to exercise the function delegated to these posts in the Council's Scheme of Delegation to Officers.
Crime and Disorder:	N/A
Equality and Diversity:	See Appendix B to report to Council 8 June 2016.
Service Improvement Plan implications:	N/A
Corporate Plan:	N/A
Risk Assessment:	See above
Background papers:	Pay Policy Statement 2016/2017; Report to Council 8 June 2016
Report author/ Lead Officer:	Linda Edwards