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## OVERVIEW AND SCRUTINY PANEL

Minutes of the meeting held on 21 October 2014 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Gideon (Chairman); Councillors Campbell, Bruce, Fenner, I Gregory, Huxley, King, Matterface, Moore, Poole, M Tomlinson and Worrow

**In Attendance:** Councillors D Green, Harrison and Johnston

### 427. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:  
Councillor Dwyer;  
Councillor Driver, substituted by Councillor King;  
Councillor D. Saunders, substituted by Councillor Bruce.

### 428. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 429. MINUTES OF PREVIOUS SCHEDULED MEETING

Councillor Campbell proposed, Councillor M. Tomlinson seconded and Members agreed the minutes of the meeting held on 19 August 2014.

### 430. MINUTES OF THE EXTRAORDINARY MEETING

Councillor Campbell proposed, Councillor M. Tomlinson seconded and Members agreed the minutes of the extraordinary meeting held on 25 September 2014.

### 431. MINUTES OF THE EXTRAORDINARY MEETING

Councillor Poole proposed, Councillor Campbell seconded and Members instructed the Monitoring Officer to report back to the Overview & Scrutiny Panel the full costs of Councillor Driver's High Court Injunction.

Councillor Campbell proposed, Councillor M. Tomlinson seconded and Members agreed the minutes of the extraordinary meeting held on 15 October 2014, whose copy is attached to these minutes.

### 432. OSP POST-CABINET DECISION SCRUTINY - VATTENFALL COMMUNITY FUNDING PROJECT

Councillor Gideon, Chairman of the Panel introduced the item for debate. She said that the issue was for debate after Cabinet had already made the decision and was not intended to delay implementation. The purpose of debating the issue was for the Panel to establish if there are lessons to be learnt and not seek to change the particular Cabinet decision.

There appeared to be some concern amongst some of the stakeholders about the decision made by Cabinet to reallocate the Vattenfall Community project funds without being considered by the multi-agency committee that had been set up to develop the original project proposal.

Some Members were concerned that this fund had not been ring-fenced to ensure that it was going to be used for the original purpose. They requested that they be provided with contact details of the Vattenfall official engaged in discussions before the changes to the projects to be funded were made. Mr Seed agreed to provide the contact details.

Councillor Harrison, Cabinet Member for Operational Services said that the Vattenfall Community Project Fund had not been utilised since 2009 and Cabinet had to make a decision expeditiously in order to ensure the grant money was used locally and not due for repayment. He said the two projects that were allocated the grant were community projects which included a children's playground which was well used and valued by the community.

Mark Seed, Director of Operational Services advised the meeting that the Council had received formal objection from the Kent Wildlife Trust regarding the original proposed Boardwalk Project. He said that the Trust had suggested that the Council funded a different project. Mr Seed also reported that the Parish Council did not have a unified position on the proposed Boardwalk project.

Mr Seed said that during the period in question, there were a number of major projects that were underway which included the construction of the Margate flood defence scheme. As a result the Engineering team did not have the capacity to revisit the Vattenfall Community Project proposal to come up with new proposals that could be considered by the multi-agency group.

Members of the Panel suggested that before Cabinet made a final decision on the matter, officers should have engaged the original inter-agency project committee in a consultative discussion and advised that committee of the changes to the proposed community project. They observed that there was no protocol in the Constitution to govern the process to managing applications for grant funding as well as monitor the implementation of grant funded community projects.

Councillor Campbell proposed, Councillor Bruce seconded and Members agreed that the Overview & Scrutiny Panel recommends to Cabinet that a protocol for the allocation and monitoring of non-ring-fenced grants and gifts be developed and presented to the Overview & Scrutiny Panel within the next three months.

#### **433. ADOPTION OF ASSET MANAGEMENT STRATEGY**

Edwina Crowley, Head of Economic Development & Asset Management led discussion on the item and said that the document provided an approach for managing Council assets and a corporate process that highlights the decision path for the disposal of Council assets.

Some Members said that this proposed strategy was clearer than the one it is intended to replace and commended the officers for the work done in producing the document.

Councillor Campbell proposed, Councillor Huxley seconded and Members agreed to recommend to Cabinet for approval; the Corporate Property Asset Management Strategy 2014 – 2019.

#### **434. REJECTED PETITION - SAVE MANSTON AIRPORT**

Mr Glenn Back, Democratic Services and Scrutiny Manager introduced the item and advised the meeting that the petition was not successfully lodged because the prayer was missing on some of the signed pages to the petition document and that an e-petition similar to the hand delivered one had been received by Council but had not been sent through the Council's host website e-petition facility.

Members noted the report.

**435. REJECTED PETITION - YELLOW LINES IN APPROACH ROAD**

Mr Back introduced the item and advised the meeting that the petition was not successfully lodged because it did not have the required minimum number of signatories.

Members noted the report.

**436. REVIEW OF OVERVIEW & SCRUTINY PANEL WORK PROGRAMME 2014/15**

Councillor Campbell, Chairman of the Community Safety Partnership Working Party gave a brief verbal update of the work that has been undertaken by the sub-group to date.

There was an update indicating that the QEQM Hospital A&E Review Task & Finish Group has not been able to hold the planned series of meetings to take evidence from health professionals and other stakeholders regarding the performance of the A&E Services at QEQM Hospital. The Chairman of the Panel noted that there was little more that the Council could do to persuade external agencies to agree to take part in health scrutiny because the panel did not have statutory powers relating to health scrutiny. The sub-group had received only one confirmation, from the Thanet Clinical Commissioning Group (Thanet CCG), who had agreed to take part in the discussion.

The Panel Chairman also advised the meeting that an agreement had been reached regarding the role of scrutiny in the work activities of the Peer Review Improvement Board. Councillor Campbell proposed, Councillor Matterface seconded and Members agreed to add to the terms of reference of the Corporate Performance Review Working Party the following:

To review the Council's progress against the Peer Review Improvement Plan.

Councillor King, Chairman of the TDC Artefacts Management Review Task & Finish Group said that the work of the sub-group was faced with a number of challenges. He commended the work done to date by volunteers working on the documentation of artefacts at the Margate Museum and suggested that Council review the funding of this documentation project with a view to allocating adequate funding for the successful completion of the documentation exercise. Members also suggested that the terms of reference of the sub-group could be widened to include recommending approaches to attract funding for the documentation project of artefacts at the Margate Museum.

The report was noted.

**437. FORWARD PLAN AND EXEMPT CABINET REPORT LIST - 16 OCTOBER 2014 TO 2 APRIL 2015**

Members noted the report.

Meeting concluded: 8.30 pm

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## EXTRAORDINARY OVERVIEW AND SCRUTINY PANEL

Minutes of the extraordinary meeting held on 15 October 2014 at 3.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Jo Gideon (Chairman); Councillors Campbell, Alexandrou, Bayford, Driver, Dwyer, Fenner, Gibson, I Gregory, Huxley, Marson, Matterface, Moore, Poole, D Saunders and M Tomlinson

**In Attendance:** Councillors Binks, Everitt, D Green, E Green and Johnston

### 423. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor K. Gregory, substituted by Councillor Bayford;  
Councillor Worrow, substituted by Councillor Alexandrou;  
Councillor Hornus, substituted by Councillor Marson.

### 424. DECLARATIONS OF INTEREST

There were no declarations of interest.

### 425. EXCLUSION OF PUBLIC AND PRESS

Councillor Driver proposed that the main item on the agenda, the 'Pleasurama – Consideration of External Legal Advice' be debated in a public session rather than in private. The proposal did not receive a seconder.

Councillor Bayford proposed, Councillor Campbell seconded and Members agreed that the public and press be excluded from the meeting for agenda item 4 as it contains exempt information as defined in Paragraph 5 of Schedule 12A of the Local Government Act 1972 (as amended).

### 426. PLEASURAMA - CONSIDERATION OF EXTERNAL LEGAL ADVICE

Members asked a number of key questions in order to understand the current circumstances regarding options to progress the issue of the redevelopment of Pleasurama site.

Mr Stuart Wortley, Partner at Pinsent Mason, LLP and Mr Tim Mitford-Slade, Partner at Strutt & Parker, LLP who were in attendance responded to the questions and provided legal and valuation clarifications on a number of questions raised by Members of the Panel.

During debate some Members indicated that because this was such a high profile and significant issue for the district, the final decision should be made by full Council in order to maximise participation by elected Members.

Councillor Bayford proposed and Councillor Marson seconded the following:

1. That if Cabinet decides to continue negotiations with Cardy; that any new development agreement is sent to the Overview & Scrutiny Panel for review;

2. Cabinet delegate the final decision on a new development to Full Council as being the reasonable course of action to take considering that Thanet District Council was a minority hung Council.

When the first motion was put to vote it was lost.

Mr Steven Boyle, Interim Legal Services Manager, advised the Panel that according the Council's Constitution, the decision making authority regarding this matter lay with Cabinet as this issue was an executive function. Mr Boyle suggested that the wording to the second part of the motion be changed to read:

"Cabinet to consult Full Council on the final decision on a new development agreement."

Councillor Bayford and Councillor Marson and the Panel agreed to the amendment to the second motion, and when that motion was put to vote, the motion was also lost.

Councillor Campbell proposed, Councillor Gibson seconded and Members agreed that the Overview and Scrutiny Panel recommends that: "Cabinet instructs officers to negotiate with Cardy to obtain the best consideration for Council in relation to the Royal Sands Development."

Meeting concluded: 4.20 pm