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CABINET

Minutes of the meeting held on 25 October 2017 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Christopher T Wells (Chairman); Councillors L Fairbrass, Crow-Brown, S Piper, Stummer-Schmertzling and Townend

In Attendance: Councillors: Bayford, Game, I Gregory, Savage, Taylor-Smith, Ashbee, Brimm, Buckley, Campbell, Connor, Curran, Dellar, J Fairbrass, Johnston, Parsons, Partington, L Piper, L Potts, R Potts, D Saunders, M Saunders, Shonk and Taylor

457. APOLOGIES FOR ABSENCE

There were no apologies received at the meeting.

458. DECLARATIONS OF INTEREST

There were no declarations of interest.

459. MINUTES OF PREVIOUS MEETING

Councillor L. Fairbrass proposed, Councillor S. Piper seconded and Members agreed the minutes as a correct record of the meeting that was held on 03 October 2017.

460. DRAFT THANET LOCAL PLAN - PUBLICATION STAGE

Members considered the report on the draft Local Plan, which set out the legal requirements for the Local Plan and the guidance which affects decisions through the Local Plan process. They were advised that the Local Plan supported the Council's Corporate Plan priorities and was important for creating a framework for fulfilling the priority to promote inward investment and job creation. Together with the Council's newly adopted Economic Growth Strategy, it sets the framework for achieving the Council's economic ambitions.

Cabinet also noted that the Local Plan also makes provision for new housing to meet local needs and to support the growth of the workforce, and other development requirements, and supports the provision of key new infrastructure. They discussed the main issues raised during the consultation on Proposed Revisions to the draft Local Plan (January 2017); and provides recommended responses to those issues as reported in Annex 1 to the Cabinet report.

Members acknowledged that the draft Local Plan had to be based on sound evidence and followed Government guidance in order to meet the statutory requirements that would be considered by the Planning Inspectorate when adjudicating the merits of the Plan. As a result, key changes were being proposed for the pre-Submission Publication stage and these were as follows:

1. The identification of a number of sites as Local Green Space (as set out in this report);
2. The identification of Landscape Character Areas for the district, with the Landscape Character Assessment to be published with the intention of adopting it as a Supplementary Planning Document (SPD);

3. New general housing policy to reduce the repetition of key policy requirements in housing allocation policies;
4. A Supplementary Planning Document (SPD) for the Westwood retail area, detailing pedestrian connectivity and the goal of transforming Westwood into a cohesive town centre;
5. Ensuring the draft Local Plan policies are consistent with Natural England's advice regarding the coastal international wildlife sites;
6. A policy for the protection of allotments;
7. Policy support for new education and health facilities at key locations in the district;
8. Continuing the policy from the adopted Local Plan to safeguard land for grow-on space for the QEQM hospital;
9. Updating the evidence and policies relating to the National Technical Standards;
10. Remove the Westwood Lodge site from the Green Wedge policy area and include it within the urban boundary; and
11. Updating the Plan to recognise the changes in the status of some housing sites, including the allocation of two additional sites – Shottendane Farm, Margate (8 units); and Lanthorne Court, Broadstairs (up to 56 units).

Cabinet was urged not to delay the Local Plan process because a delay could result in intervention by the Department for Communities & Local Government (DCLG), effectively removing Council control of the process. Investment in the area could be significantly undermined or delayed, with a significant impact on development, economic growth and investor confidence in the area.

In making a decision on this issue, Members were also made aware that that the Department for Communities & Local Government (DCLG) had recently published proposals for a new methodology to be applied by all local planning authorities in determining housing requirements. DCLG estimated that applying this methodology over the period 2016-26 would raise the requirement for Thanet from 857 dwellings per year to 1063 dwellings per year. If this uplift is also applied to the final 5 years of the draft Plan (2026-31), this would mean a total increase of about 3,090 dwellings over the period of the Local Plan, taking the total to just over 20,200 dwellings.

The consultation document indicates that, where a draft local plan has not been submitted for Examination by 31 March 2018, the new standardised housing method should be used. If the draft Plan is not submitted to the Planning Inspectorate by that date, the Council would then need to revise the draft Plan to incorporate the additional housing requirement. This represents a significant risk both to the Council's draft Local Plan and to the wider planning of development in the district. It would also result in significant delay to the draft Plan and additional costs to be borne before the draft Plan reaches Submission stage in the review of evidence (the additional cost is estimated to be more than £75,000).

In relation to the former Airport site; Members were advised that AviaSolutions had reviewed the submissions made in relation the Airport, and had not changed their advice to the Council regarding the future viability of Manston. However, the draft Policy still made allowance for an element of aviation use on the site, as part of a mixed-use development.

This report would also be considered by the Overview & Scrutiny Panel on 21 November, and the views of the Panel will be reported back to the Cabinet meeting on 14 December 2017 before going to Council on 18 January 2018.

The following Members spoke under Council Procedure 20.1:

Councillor Brimm;
Councillor Partington;
Councillor Shonk;
Councillor Game;
Councillor Savage;
Councillor Taylor-Smith;
Councillor Bayford.

Councillor L Fairbrass proposed, Councillor Wells seconded and Cabinet agreed:

1. The draft Local Plan with the changes proposed in the Cabinet report, and the Sustainability Appraisal, for Publication for a period of 6 weeks following Council in January 2018, to allow comments to be made;
2. To publish the Thanet Landscape Character Assessment for comment, with the intention of adopting it as a Supplementary Planning Document (SPD);
3. To recommend to Council that, following the Publication period, the draft Local Plan be submitted to the Planning Inspectorate for Examination; and
4. The amendments to the Local Development Scheme (the formal Local Plan work programme) to reflect the expected timetable.

461. NEW REVISED ON AND OFF STREET PARKING SCHEMES FOLLOWING COMMUNITY FEEDBACK

Members noted that there are a number of off-street car parking areas that are currently free of charge. By changing these areas to pay and display with an hourly charge in line with other areas additional revenue would be generated. Charging also helped with turnover of vehicles and marked parking bays help to deal with inconsiderate parking.

There were a number of on-street parking areas around the district that could benefit by having a resident's parking scheme, pay and display or both. Some of these areas were currently time limited bays and this was not an effective system.

As the Council was under extreme budget pressures it is estimated that all phases of the newly proposed parking schemes if put in place, would bring in additional annual revenue of approximately £390k per year.

Community consultation on the new parking scheme proposals was carried out between 5 May and 6 June 2017. The Council received a total of 290 community submissions, which were then considered as part of these new proposals.

The community feedback showed that by location the proposals for Minster/Monkton were of the greatest concern. Residents in instances where a charge was being introduced wanted later starting times and a reduced rate per hour. Responses to Minnis Bay proposals felt that there would be a negative effect on businesses and visitors; and generally opposed any parking scheme or parking control.

The following Members spoke under Council Procedure Rule 20.1:

Councillor Brimm;
Councillor Campbell;
Councillor Partington;
Councillor Game;
Councillor Bayford;
Councillor I. Gregory.

Councillor L Fairbrass proposed Townend seconded and Cabinet approved the new revised parking schemes.

462. PUBLIC SPACES PROTECTION ORDER (PSPO) FOR DOG FOULING & CONTROL

Members agreed that the Council's first priority is a clean and welcoming environment and to achieve this would require maintaining a zero tolerance to littering and an approach that encouraged positive behaviour to help improve the local environment.

The Anti-Social Behaviour, Crime & Policing Act 2014 provides the Council with new powers to continue to enforce dog fouling and dog control issues within the district. The previous legislation used to do this needs to be replaced by a new Public Spaces Protection Order.

The Council can make a Public Spaces Protection Order if it is satisfied that two conditions are met:-

1. Firstly, activities carried out on a public place within the local authority's area have had a detrimental effect on the quality of life of those in the locality, or it is likely that activities will have such an effect. And;
2. Secondly, that the effect of these activities is or is likely to be of a persistent or continuing nature is or is likely to be unreasonable and justifies the restrictions imposed by the order.

Members were informed that in relation to dog fouling and the control of dogs the proposed Public Spaces Protection Order would exclude and restrict dogs from designated areas, not allow dogs within fenced children's play areas and control dogs in cemeteries.

The order would also require dog faeces to be picked up by owners or any person in charge of the animal, require dogs to be kept on leads; or placed on a lead if considered to be out of control upon request by authorised officers and require persons in control of dogs in a public place to have a suitable receptacle on their person to pick up their dogs faeces.

A community feedback on the proposed Public Spaces Protection Order was carried out between 10 August and 2 September 2017 and the Council received a total of 74 community submissions, which were taken into account when drafting the order.

Britain Tidy Group. The Kennel Club made positive suggestions to the order and generally supported the provisions of the order and the Council's approach.

Council would be publishing a list of restriction free alternative locations for dog walkers on our website, and in the coming months will also review communication with local dog owners.

Following that positive partnership working with Keep Britain Tidy and the Kennel Club, an amendment to the proposed PSPO for Dog Fouling and Control was tabled at the meeting. The amendment would allow the seasonal dog bans to remain in their current form.

The proposed PSPO would now:

- Exclude dogs from fenced children's play areas;
- Exclude dogs from Minnis Bay, Viking Bay, Margate Main Sands Ramsgate Main Sands (Harbour end) from 1 May to 30 September;
- Control dogs in cemeteries;
- Ban dogs from 1 May to 30 September during the hours of 10am and 6pm on Botany Bay, Joss Bay, Louisa Bay, Stone Bay, Westbrook Bay, West Bay and St Midred's Bay. At Walpole Bay, dogs will need to be kept on a lead during these times;
- Require dogs to be kept on leads; or placed on a lead if considered to be out of control upon request by authorised officers;
- Require dog faeces to be picked up by owners or any person in charge of the animal on any land which is open to the air to which the public have access, with or without payment;
- Require persons in control of dogs in a public place to have a suitable receptacle on their person to pick up their dogs faeces.

The following Members spoke under Council Procedure Rule 20.1:

Councillor Game;
Councillor Bayford;
Councillor Taylor-Smith;
Councillor Savage;
Councillor Campbell.

Councillor L Fairbrass proposed, Councillor Wells seconded and Cabinet approved the Public Spaces Protection Order for dog fouling and dog control across the district as detailed in the amended Annex 1, copy attached to this minute item.

463. ASSET DISPOSAL PROGRAMME 2017-18

Members discussed the assets identified and approved for disposal by Cabinet in June. These assets have now been through the disposal consultation process and there have been no adverse comments received by Council.

One of these disposals, Charlotte Court, had been through legal searches and has been identified as being part of a lease with a housing association and therefore Council would not progress with the disposal of this asset.

Councillor Campbell and Councillor Taylor-Smith spoke under Council procedure 20.1.

Councillor Townend proposed, Councillor Crow-Brown seconded and Cabinet agreed the following:

1. To proceed with the disposal of assets listed in Annex 1, Part B, considered by Cabinet in June 2017 with sale proceeds being used to fund the asset management and capital programmes;
2. To proceed with the disposal of assets listed in Annex 2, Part B, considered by Cabinet in June 2017 to Parish & Town Councils and eligible community groups to ensure their continued use for the benefit of the community;
3. To withdraw from the disposal list the asset listed in Annex 2, Part C as considered at June 2017.

464. CORPORATE PERFORMANCE REPORT Q1 2017/18

Cabinet discussed the corporate performance report which reflected changes to twelve targets to make them more challenging. New performance indicators have been added to performance monitoring and this was in order to better reflect the corporate priorities and customer service.

Councillor Campbell and Councillor I Gregory spoke under Council Procedure 20.1

Councillor Crow-Brown proposed, Councillor Stummer-Schmertzling seconded and Members agreed to note the report.

465. NEW BUILD ACQUISITION PROGRAMME

Cabinet noted that the number of people in the district living in unsuitable housing or facing homelessness is increasing and there is an urgent requirement for new affordable homes to meet this need and that the council retained a proportion of right to buy receipts for the purpose of providing new affordable homes for rent. The funding could pay for up to 30% of the cost of a new home, but required match funding by the Council from its Housing Revenue Account.

The use of Housing Revenue Account capital receipts into the council's approved development programme would, in turn release resources that could be used to match fund the available right to buy receipts.

Members considered proposals to allocate £1.5m of Housing Revenue Account funding, together with £630k of retained right to buy receipts to fund a new acquisitions programme. The total funding of £2.13m would enable the Council to acquire 10 to 12 new homes that would then be let to people in housing need on an affordable rent.

This new programme would supplement the Council's existing £28m approved development programme, which will have provided around 140 new homes by 2019. The new programme would also ensure that new homes could be provided expeditiously for people living in unsuitable homes or facing homelessness.

Councillor Campbell and Councillor Savage spoke under Council Procedure 20.1.

Councillor S Piper proposed, Councillor L Fairbrass seconded and Cabinet agreed the following:

1. To the principles set out in this report for an initial acquisition programme of approximately 10-12 homes;
2. To allocate £630k of Right to Buy 1-4-1 receipts, together with HRA match funding of £1.5m to fund the programme;
3. To delegate authority to Head of Housing, to complete the acquisition of new homes within the programme.

Meeting concluded: 8.20 pm

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Appendix 1

The Anti-social Behaviour, Crime and Policing Act 2014

The Public Spaces Protection Order – (Thanet District Council) 2017

Thanet District Council (in this order called “the Authority”) hereby makes the following Order:

This Order comes into force on the 25 October 2017 for a period of 3 years.

Offences

1. Fouling

If within the administrative area of the Authority a dog defecates at any time on land to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission and a person who is in charge of the dog at the time fails to remove the faeces from the land forthwith, that person shall be guilty of an offence unless

- a) has reasonable excuse for failing to do so;
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

2. Leads by Order

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority they do not comply with a direction given to them by an authorised officer of the Authority to put and keep the dog on a lead unless

- a) has reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

An authorised officer may only give a direction under this order if such restraint is reasonably necessary to prevent a nuisance or behaviour by the dog that is likely to cause annoyance or disturbance to any other person, or to wildlife or another animal.

3) Leads

A person in charge of a dog shall be guilty of an offence if, at any time, (during the period specified in the schedule if stated), on land detailed in schedule 1, and 2 below they do not keep the dog on a lead unless

- a) has reasonable excuse for failing to do so; or
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

4) Dog faeces Receptacle

If within a public place in the administration area of the Authority a person who owns or is in in charge of a dog must have a suitable dog faeces receptacle to remove dog

faeces on their person, if the person does not have in their possession a suitable dog faeces receptacle, that person shall be guilty of an offence unless

- a) has reasonable excuse for failing to do so;
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

5) Exclusion

A person in charge of a dog shall be guilty of an offence if, at any time, within the administrative area of the Authority he takes the dog onto, or permits the dog to enter or to remain on, any land detailed in schedule 3 unless

- a) has reasonable excuse for failing to do so;
- b) the owner, occupier or other person or authority having control of the land has consented (generally or specifically) to his failing to do so.

6) Exemptions

Nothing in this order shall apply to a person who –

- a) is registered as a blind person in a register compiled under section 29 of the National Assistance Act 1948; or
- b) is deaf, in respect of a dog trained by Hearing Dogs for Deaf People (registered charity number 293358) and upon which he relies for assistance; or
- c) has a disability which affects his mobility, manual dexterity, physical coordination or ability to lift, carry or otherwise move everyday objects, in respect of a dog trained by a prescribed charity and upon which he relies for assistance.

For the purpose of this order –

- A person who habitually has a dog in his possession shall be taken to be in charge of the dog at any time unless at that time some other person is in charge of the dog;
- Placing the faeces in a receptacle on the land which is provided for the purpose, or for the disposal of waste, shall be sufficient removal from the land;
- Being unaware of the defecation (whether by reason of not being in the vicinity or otherwise), or not having a device for or other suitable means of removing the faeces shall not be a reasonable excuse for failing to remove the faeces;
- “an authorised officer of the Authority” means an employee, partnership agency or contractor of Thanet District Council who is authorised in writing by Thanet District Council for the purposes of giving directions under the Order.
- Each of the following is a “prescribed charity”-
 - Dogs for the disabled (registered charity number 700454)
 - Support Dogs Limited (registered charity number 1088281)
 - Canine Partners for Independence (registered charity number 803680)

8) Penalty

A person who is guilty of an offence under this order without reasonable excuse shall be liable a £100 on the spot (a 'Fixed Penalty Notice') or if it goes to court a summary conviction to a fine not exceeding level 3 on the standard scale

Schedule 1**The Keeping of Dogs on a Lead between the hours of 10am to 6pm from 1st May to 30th September**

This order applies to all land described below, which includes Blue Flag & Seaside Award beaches:

Location	Geographical Area
Louisa Bay	Broadstairs
Walpole Bay	Cliftonville
West Bay	Westgate
St Mildred's Bay	Westgate
Botany Bay	Broadstairs
Joss bay	Broadstairs
Stone Bay	Broadstairs
Westbrook Bay	Margate

Schedule 2**The Keeping of Dogs on a Lead 24 hours a day all year round**

This order applies to all land described below:

Location	Geographical Area
Pegwell Bay (Upper Chalk Shore)	Ramsgate
Ramsgate Cemetery	Ramsgate
St George's Church yard	Ramsgate
St Peter's Church yard	Ramsgate
Margate Cemetery	Margate
St John's Church yard	Margate
All Saints	Birchington

Schedule 3**Dog Exclusion Areas**

This order applies to all land described below as directed by signage:

Seasonal exclusion of dogs from 1st May to 30th September

Location	Geographical Area
Minnis Bay	Birchington
Viking Bay	Broadstairs
Margate Main sands	Margate
Ramsgate Main sands	Ramsgate

Ramsar & SSSI beach – All year round exclusion of dogs

Location	Geographical Area
Pegwell Bay (mudflats & saltmarsh)	Ramsgate

Designated Fenced children’s play areas – All year round exclusion of dogs

Princess Margaret Avenue	Ramsgate
Lancaster Gardens	Ramsgate
Stirling Way	Ramsgate
Nethercourt Park	Ramsgate
Coleman Crescent	Ramsgate
King George VI	Ramsgate
Boundary Road	Ramsgate
La Belle Alliance	Ramsgate
Conygham close	Ramsgate
Prestedge Avenue	Ramsgate
St Peters Recreation	Broadstairs
Jacky Bakers	Ramsgate
Courtstairs Park	Ramsgate
Warre Recreation	Ramsgate
Ellington Park	Ramsgate
Cliffsend Play area	Ramsgate
Minnis Bay	Birchington
Crispe Park	Birchington
Birchington Recreation	Birchington
Dane Park	Margate
Dane Valley Road	Margate
Laleham Road	Margate
Swinford Gardens	Margate
Northdown Park	Margate
Hartsdown Park	Margate
Garlinge Recreation	Margate
Tivoli Park	Margate
Lymington Road	Westgate
Viking Paly area	Cliftonville
Dalby Square	Cliftonville
Memorial Park	Broadstairs
Pierremont Park	Broadstairs
Vincent Close	Broadstairs

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