

Date: 16 August 2019
Our ref: OSP/Agenda
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OVERVIEW & SCRUTINY PANEL

27 AUGUST 2019

A meeting of the Overview & Scrutiny Panel will be held at **7.00 pm on Tuesday, 27 August 2019** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Campbell (Chairman); Councillors: Parsons (Vice-Chairman), Albon, Boyd, Coleman-Cooke, Constantine, Everitt, Paul Moore, L Piper, Roper, Rusiecki, Scott, Tomlinson and Whitehead

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATION OF INTERESTS** (Pages 3 - 4)
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 10)
To approve the Minutes of the Overview and Scrutiny Panel meeting held on 18 July 2019, copy attached.
4. **LEADER OF COUNCIL'S PRESENTATION - CORPORATE STATEMENT 2019-2023**
Report to follow
5. **REVIEWING THE OSP WORK PROGRAMME FOR 2019/20** (Pages 11 - 18)
6. **FORWARD PLAN & EXEMPT CABINET REPORT LIST** (Pages 19 - 26)



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Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992

If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

OVERVIEW & SCRUTINY PANEL

Minutes of the meeting held on 18 July 2019 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Peter Campbell (Chairman); Councillors Parsons, Albon, Everitt, Paul Moore, L Piper, Roper, Rusiecki, M Saunders, Scott and Whitehead

In Attendance: Councillors: R Bayford, Bailey and D Saunders

174. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Tomlinson, substituted by Councillor Mave Saunders.

175. DECLARATION OF INTERESTS

There were no declarations made at the meeting.

176. MINUTES OF PREVIOUS MEETING

Councillor Everitt proposed, Councillor Albon seconded and Members agreed the minutes as a correct record of the meeting that was held on 28 May 2019.

177. CABINET MEMBER PRESENTATION - THE LEADER OF COUNCIL

Mr Steve Coombes spoke under scrutiny procedure rules for public speaking.

Councillor Bayford, Leader of Council then made his presentation and highlighted the following points as part of an update on the developments at the Ramsgate Port:

- Cabinet has had some detailed discussion on 24 June with the Corporate Management Team regarding the port including reconsidering the procurement process for and technical aspect the Port. The discussion also focused on studying the current leases as they would have an impact on the future planning for the Port;
- The working party on the port had been re-established and would hold their first meeting week beginning 22 July to consider the following issues:
 - a. The consultancy report in respect of Berth 4&5. This report covered:
 - i. a scoping and options study,
 - ii. performance specification, concept drawing for design and building contract and
 - iii. professional advice on obtaining the necessary leases from the marine management organisation;
 - iv. Procurement brief for the wider options report on the Port.
- A Members Briefing session had been held to inform Members on the current situation Berth 4&5;
- A Coffee Evening event was held on 16 July 2019, for Members to familiarise themselves with the operations of the Port. Unfortunately the turn out for the event was disappointing;
- Finance Department have also held a Finance Event to further provide information on the Port finances and other council functions;
- Cabinet hoped to report options on the future of the Port by the end of this year.

Responding to the specific questions that had been forwarded to him ahead of the meeting, the Leader of Council gave the following responses:

Question 1

Are you able to confirm and supply supporting evidence, that Brett Concrete Company is operating lawfully on the site and that all environmental requirements have been met?

Leader's Response

There are two separate Brett sites at the Port. Brett Concrete carries out its operations (cement batching) under Part B of the Environmental Permitting Regulations 2016, Schedule 1 and is regulated through an environment permit by TDC. This activity is carried out in a controlled environment and is therefore classed as a low risk installation requiring an annual inspection. During the 2018 annual pollution monitoring inspection carried out, there were no air pollution exceedances found for air quality objectives. All air quality reports were now on the TDC website, which was not the case before.

The second activity is carried out by Bretts Aggregate Limited for the storage of aggregate and this did not require a permit. The annual environmental inspection permit inspection was carried out by the Council's Environmental Health department on 26 March 2019 for the concrete batching plant, the permit was signed off and no remedial action was required.

Question 2

The Director of the Service last year stated that TDC and Brett were only in the negotiation stage about any plans they might have to expand. The CEO stated this year that TDC had no knowledge of any plans by Brett to expand their operation. Can you outline the exact position regarding plans for any expansion of Brett's operations at Ramsgate Port?

Leader's Response

The Council are not privy to Bretts' future plans. However Bretts had invited the Leader and CEx to a meeting to understand the company's long term objectives and these can be reported back later.

Question 3

Can you explain the need for the specifications, including the facility for a double conveyor belt system, to be included in the repairs/replacements of berths 4/5?

Leader's Response

There isn't actually a requirement for a double conveyor. This was added as an option to be considered as part of the consultancy brief.

Question 4

The CEO has stated this year that Bretts do not have exclusive rights to the use of berths 4/5; do you have any advance knowledge of which other businesses may be requiring the use of these berths?

Leader's Response

No

Question 5

Have any such businesses expressed a need for the increased capacity of the conveyor belt system.

Leader's Response

They have not expressed the need to TDC and in any case the conveyor belt is owned and operated by Bretts and any agreement to use the conveyor would have to be with Bretts.

Question 7

Has a cost benefit analysis been done to assess whether TDC should terminate their contract with Bretts rather than pay the £1m + to restate the berths? If not, why not?

Leader's Response

There was no legal basis to terminate the current contract with Bretts. Unlawful termination of contracts would attract litigation. Bretts installed the berths free of charge and council realised an income of 175k per year. It cost about £1.5 million to install new berths if TDC had gone ahead to do that on its own. Council would continue to get income for 25 years.

Question 8

How can TDC ensure that all contracts are checked in the future to ensure that any large obligations are not accidentally signed up to?

Leader's Response

Processes were now in place to ensure that the council met its statutory requirements. There was a port working party currently scrutinising draft contracts.

Question 9

Was anyone disciplined over the signing of the contract between Brett Aggregates and TDC which put this large obligation onto TDC? If not, why not.

Leader's Response

It was unlawful to discuss staff matters in a public meeting.

Question 10

Who from the council signed the contract between Brett Aggregates and TDC which resulted in TDC taking on the responsibility for the Brett Aggregates berths?

Leader's Response

The signatories were not necessarily those who agreed to the contract. The contracts were signed by TDC lawyers and an elected Member.

Specific request for documents/information

1. Copy of the lease agreement between Brett Aggregates and Crown Estate for the berths (including the term of the contract).
2. Copy of the contract between Brett Aggregates and TDC which puts the obligation on TDC to maintain the condition of the berths (including any break clauses in this contract that TDC may have).
3. Copy of any lease extensions for point 1 and 2.

Leader's Response

Any Member who wished to read through the confidential documents requested above could make an appointment with the Monitoring Officer to come into the office to study the documents.

Members then asked follow up questions as follows:

- Did a part of the future for Bretts' operations at the Port include the importation of waste and what the limits to the operations the council would impose for the port?
- Were environmental visits conducted by the council to check whether Bretts were compliant to regulations? Were these visits unannounced?
- Was the obligation to replace the berths a one off requirement?

- Was the contract structured to protect the council; was the contract proportionate to the aggregate being brought in?
- What was the lifespan of the new berths?
- Where there any plans for post Brexit?

In response the Leader commented as follows:

- There were no such considerations to import waste through the Port. Any development on the Port will be considered by a wider group of councillors;
- The Leader and CEx had been invited to a meeting by Bretts;
- The Environmental Health Team conducted an inspection visit to the Port and there were no concerns of exceedance in terms of air pollution. However if residents had evidence of dust, they would need to bring that to council for investigation;
- The contract with Bretts runs out in 2052 and the berths should still be usable;
- There was a minimum amount that Bretts had to pay to TDC;
- The lifespan of the berth is 25-30 years;
- A review of the current leases was carried out and it was realised that it was too expensive to get out of some of them;
- There was a working party on the port which was currently working on the port related issues.

Members thanked the Leader for sharing information on the Port and noted the presentation.

178. ADOPTION OF A NEW HOUSING ASSISTANCE POLICY

Mr Bob Porter, Head of Housing & Planning introduced the item for debate and made the following points:

- The Council had a duty to provide disabled facilities grants to residents who required assistance with the adaptations to their properties;
- Councils have a mandatory duty to offer disabled facilities grants, up to £30k to qualifying applicants;
- Grants are funded by a grant from government;
- The current policy was put in place at a time when there were significant resource limitations for the demand;
- However the council no longer has a waiting list;
- The current funding allows greater flexibility to councils to offer further discretionary assistance;
- The new policy proposes a new service to assist people to return home from hospital more quickly and an enhanced handyman service;
- The new policy also proposes a new grant for energy efficiency improvements in certain circumstances and extends the current minor repairs grants;
- The new policy provides for the cost of administering grants to be met from the DFG funding.

Responding to the presentation Members of the Panel made comments and asked questions as follows:

- What was the proportionality between the grants and loans under this policy?
- Did the policy assist those under hardship conditions?
- Did the policy cover council tenants?
- Had council considered assisting local families to buy the properties they lived in, where appropriate?
- How easy was it to access these grants?
- Was the information on these grants readily available to the public?

- Members welcomed the good news that the council had cleared the backlog for those waiting for assistance under these grants and that the service was expanding;
- How was the council working with KCC and CCG regarding meeting the threshold required for an individual to get care support?
- Why were elected Members not involved in the process?
- In the report, there were indications that KCC had top sliced £405k for use on other projects. Were these funds ring fenced for use for Thanet residents' needs?
- Who scrutinised the performance of the service providers under this scheme?
- Could more clarity be provided about under what circumstances were individuals in receipt of the DFGs required to pay back?

Mr Porter responded as follows:

- Mandatory facilities grants were separate from loans;
- The policy did allow for hardships;
- Later in the year, a new policy will be presented to Cabinet and it will also cover providing adaptations to council tenants houses which were as generous as those provided to non council tenants;
- Council provides loans of up to £20k for households buying an empty property in Cliftonville to refurbish for owner occupation;
- Professionals working with individuals due for discharge from hospitals or others who required adaptations to their homes would normally advise the individuals about these grants;
- There can be delays in the completion of occupational therapist assessments and the new policy enables some additional dedicated resources to speed up this process;
- The funding proposals are profiled over three years, using the resources currently available;
- Accessing these grants is means tested. However the council would always try to provide universal access to services such as handyman services;
- The proposed policy includes an appeals process;
- The £405k was not ring fenced. However in the first year of implementation, TDC insisted that KCC spent £2.1 million set aside for DFGs. KCC spent close to that amount;
- Service providers were scrutinised by local authorities that hosted the funding; either KCC or TDC.

Thereafter Councillor Campbell proposed, Councillor Rusiecki seconded and Members agreed the following:

1. That KCC ring fenced the £405k for use by Thanet residents;
2. To note the report.

179. REVIEWING THE OSP WORK PROGRAMME FOR 2019/20

The Panel agreed that Councillor Bailey be an additional member on the Travellers Review Group.

Councillor Albon, Chairman of the Travellers Review Group gave an update on the activities of the review group and said that Members received valuable information from officers on the issue under investigation. He also made the following points:

Members had received valuable information from officers regarding the nature of the problem under review;

- In 2018, the district had experienced 46-55 traveller incursions compared to 2-3 in 2016;

- The local communities were concerned mostly with the human waste left behind after such visits;
- The review group was going to receive additional information from officers regarding the legal costs incurred by the council to date in the various attempts to manage the incursions;
- The travelers representatives will be invited to attend the next meeting of the review group;
- The third meeting would be for Members to visit the temporary sites where travellers had set up the unauthorised encampments;
- A written report of the review findings will be presented to the October Panel meeting.

One Member urged the Panel to play a significant role in reviewing the proposed Corporate Statement, before the item went to Full Council for final decision.

Members suggested that for future corporate performance report discussions, lead officers for particular services should be invited to respond to more detailed questions from the Panel.

The Chairman requested Members to submit to him their main questions to be responded by the Leader as part of the presentation of the Corporate Statement for 2019-23.

Councillor Campbell proposed, Councillor Rusiecki seconded and agreed to invite Kent Police to the 22 October meeting to present on Crime Stats in Thanet.

180. FORWARD PLAN & EXEMPT CABINET REPORT LIST

Members noted the report.

Meeting concluded: 8.23 pm

REVIEWING THE OVERVIEW & SCRUTINY PANEL WORK PROGRAMME FOR 2019/20

Overview & Scrutiny Panel	27 August 2019
Report Author	Senior Democratic Services Officer
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

This report sets out a framework for activities of the Overview & Scrutiny Panel for 2019/20 and asks the Panel to review the work programme.

Recommendations:

1. Members' comments are sought and Members are requested to note the report.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications arising directly from this report but elements of the suggested work programme may have financial and resource implications which would need to be managed within existing resources, or alternatively compensating savings found.
Legal	The role of scrutiny is set out in section 9F of the Local Government Act 2000. The council must also have regard to the statutory guidance on Overview and Scrutiny from the ministry of Housing, Communities and Local Government when exercising its functions.
Corporate	The work programme should help to deliver effective policy decision making by scrutinising executive decisions before, and at times after, implementation. The sub-committees assist the work of scrutiny as they would carry-out an in-depth study of any issue referred to the groups under their terms of reference. An active Scrutiny programme is part of good governance.
Equality Act 2010 & Public Sector Equality Duty	Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it. Protected characteristics: age, gender, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

	Please indicate which aim is relevant to the report.	
	Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,	✓
	Advance equality of opportunity between people who share a protected characteristic and people who do not share it	
	Foster good relations between people who share a protected characteristic and people who do not share it.	
	No implications arise directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.	
	It is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by Council.	

CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	✓
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 This report allows the Panel to review and amend the work programme for the 2019/20 municipal year agreed at the meeting on 18 July 2019.
- 1.2 It is worth noting that the newly issued statutory guidance of the scrutiny function says, effective overview and scrutiny should:
- Provide constructive 'critical friend' challenge;
 - Amplify the voices and concerns of the public;
 - Be led by independent people who take responsibility for their role; and
 - Drive improvement in public services
- 1.3 With this in mind Member may wish to ensure that the Panel work programme for the year provides opportunities for critical but constructive challenge to the Executive, articulate any concerns about matters that are the business of the council and strive for improved service delivery by the Council and other public agencies working in Thanet.

2.0 Cabinet Presentations at OSP Meetings for 2019/20

- 2.1 Of the topics that were identified by Members at the May meeting, the following ones are due for consideration at forthcoming meetings:
1. Corporate Statement 2020/23 (27 August 2019);
 2. Review proposals for the fees and Charges (22 October 2019);
 3. Service review of the Corporate Governance and Coastal Development service area (19 November 2019). This date will need to be rearranged to accommodate officer/Member availability;
 4. Service review of Operational Services (a date was still to be confirmed).

2.2 The Panel further agreed to add Councillor Bailey to the Scrutiny Review Group whose membership would now be as follows:

Councillor Albon;
Councillor Bailey;
Councillor Roper;
Councillor L. Piper;
Councillor Tomlinson;
Councillor Yates.

2.3 The Chairman of the review group gave an update report and made the following points:

- In 2018, the district had experienced 46-55 traveller incursions compared to 2-3 in 2016;
- The local communities were concerned mostly with the human waste left behind after such visits;
- The review group was going to receive additional information from officers regarding the legal costs incurred by the council to date in the various attempts to manage the incursions;
- The travellers representatives will be invited to attend the next meeting of the review group;
- The third meeting would be for Members to visit the temporary sites where travellers had set up the unauthorised encampments;
- A written report of the review findings will be presented to the October Panel meeting.

2.4 There would be a report back to the Panel on 22 October. The sub group was required to provide progress updates at each Panel meeting, as part of the review of the work programme.

2.5 The rest of the work programme for 2019/20 is detailed in Annex 1 to the committee report.

3.0 Panel Recommendations to Cabinet - Implementation Monitoring

3.1 In 2018/19 the Panel recommended that Cabinet sets up a cross party working group to inform the decision regarding the proposals for fees and charges for 2020/21.

3.2 At the July meeting, the Panel considered a report on the "Adoption of a new Housing Assistance Policy" and recommended to Cabinet that Council writes to Kent County Council requesting that "KCC KCC ring fenced the £405k (Top sliced/payment to KCC projected for 2019/20) for use by Thanet residents". Cabinet agreed to forward the request to KCC.

4.0 Call-in of Cabinet Decision on the 'proposal for the disposal of the Dreamland Freehold'

4.1 On 01 August, Cabinet made a decision on the Dreamland that "Subject to agreement of external funders regarding the removal of ongoing grant obligations upon the council, and subject to legal advice, to dispose of Dreamland to Sands Heritage Ltd including the boundary as indicated in Annex 1, all rides listed in Annex 2 and the intellectual property rights of Dreamland."

Agenda Item 5

- 4.2 The Panel Chairman called-in the Cabinet decision, which was then considered at an extraordinary Panel meeting on 15 August. At that meeting, Members sought clarification and assurances on some of issues relating to the Cabinet decision.
- 4.3 The Leader of Council provided those assurances where appropriate, after which the Panel adopted recommendations for consideration by Cabinet. These will be detailed out in the next work programme report.

5.0 Options

- 5.1 Members are asked to comment and note the report.
- 5.2 Members can review the current work programme and make changes depending on the collective agreement by the Panel.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext: 57186
Reporting to:	Nick Hughes, Committee Services Manager, Ext 57208

Annex List

Annex 1	Overview & Scrutiny Panel Work Programme for 2019/20
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Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Chris Blundell, Head of Financial Services
Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer

Agenda Item 5

Annex 1

Overview & Scrutiny Panel Work Programme for 2019/20		
Meeting Date	Indicative Agenda Items	Issue Source
27 August 2019	Cabinet Member Presentation - Review proposals for the new Corporate Statement 2019-2023	Corporate Services Item
	Review of the Panel Work Programme 2019/20 - to include progress update from the Travellers Review Group	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
XX September 2019	EKH Quarter 1 Performance Report	Housing Services/EKH Item
(TBC)	Quarterly Performance Report Q1 2019/20	Corporate Resources Item
22 October 2019	Cabinet Member Presentation - Proposed Council Fees and Charges for 2020/21	Standing Agenda Item
	Crime Stats in Thanet (TBC)	Kent Police as part of Community Safety Partnership Item
	Review of the Panel Work Programme 2019/20-to include a final report back from the Travellers Review Group	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
19 November 2019	Cabinet Member Presentation - Service review of the Corporate Governance and Coastal Development service area (TBC)	Standing Agenda Item
	Quarterly Performance Report Q2 2019/20	Financial Services Item
	Local Authority Housing Company	Housing Item
	Review of Panel the Work Programme 2019/20	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
21 January 2020	Cabinet Member Presentation	Standing Agenda Item

	Budget 2020/21 & Medium Term Financial Plan 2020-24	Financial Services Item
	Review of the Panel Work Programme 2019/20	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
20 February 2020	Cabinet Member Presentation - Service review of Operational Services (TBC)	Standing Agenda Item
	Quarterly Performance Report Q3 2019/20	Financial Services Item
	Review of the Panel Work Programme 2019/20	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
21 April 2020	Cabinet Member Presentation	Standing Agenda Item
	Review of the Panel Work Programme 2019/20	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
26 May 2020	Establish OSP Work Programme for 2020/21	Standing Agenda Item
	Quarterly Performance Report Q4 2019/20	Financial Services Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

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FORWARD PLAN AND EXEMPT CABINET REPORTS LIST

Overview & Scrutiny Panel **27 August 2019**

Report Author **Committee Services Manager**

Status **For Information**

Classification: **Unrestricted**

Key Decision **No**

Ward: **Thanet Wide**

Executive Summary:

To update Panel Members on the revised Forward Plan and Exempt Cabinet Reports List (hereby referred to as the Forward Plan) of key decisions and allow the Panel to consider whether it wishes to be consulted upon any of the items.

Recommendation(s):

Members' instructions are invited.

CORPORATE IMPLICATIONS

Financial and Value for Money	There are no financial implications arising directly from this report.								
Legal	There are no legal implications arising directly from this report.								
Corporate	The Forward Plan is a publication of key decisions, policy framework.								
Equalities Act 2010 & Public Sector Equality Duty	<p>Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.</p> <p>Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.</p> <table border="1" style="width: 100%;"> <tr> <td colspan="2">Please indicate which aim is relevant to the report.</td> </tr> <tr> <td>Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,</td> <td></td> </tr> <tr> <td>Advance equality of opportunity between people who share a protected characteristic and people who do not share it</td> <td></td> </tr> <tr> <td>Foster good relations between people who share a protected characteristic and people who do not share it.</td> <td style="text-align: center;">✓</td> </tr> </table> <p>There no equity and equalities issues arising directly from this report but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure that policy decisions</p>	Please indicate which aim is relevant to the report.		Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,		Advance equality of opportunity between people who share a protected characteristic and people who do not share it		Foster good relations between people who share a protected characteristic and people who do not share it.	✓
Please indicate which aim is relevant to the report.									
Eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act,									
Advance equality of opportunity between people who share a protected characteristic and people who do not share it									
Foster good relations between people who share a protected characteristic and people who do not share it.	✓								

	being made and service delivery to residents match these.
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CORPORATE PRIORITIES (tick those relevant)✓	
A clean and welcoming Environment	
Promoting inward investment and job creation	
Supporting neighbourhoods	✓

CORPORATE VALUES (tick those relevant)✓	
Delivering value for money	✓
Supporting the Workforce	
Promoting open communications	✓

1.0 Introduction and Background

- 1.1 The law requires that the Council regularly publish a Forward Plan of Key Decisions. Thanet's Forward Plan and Exempt Cabinet Report List is updated monthly and published on the Council's internet site www.thanet.gov.uk
- 1.2 The aim of the Forward Plan is to allow the general public and Council Members to see what decisions are coming up over the next few months and how they will be handled i.e. whether a decision will be taken by Cabinet or Council, and whether there will be input from Overview & Scrutiny during the process.
- 1.3 Overview & Scrutiny receives an updated copy of the Forward Plan at each Panel meeting. The Panel can identify any item on the Forward Plan to be added to the Overview and Scrutiny work programme in order to be scrutinised further. A copy of the latest version of the Forward Plan is attached at Annex 1 to the report.
- 1.4 Members may wish to note that the new The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the Council gives 28 clear days' notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Contact Officer:	Charles Hungwe, Senior Democratic Services Officer, Ext 57186
Reporting to:	Nick Hughes, Committee Services Manager, Ext 57208

Annex List

Annex 1	Forward Plan & Exempt Cabinet Reports List
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Background Papers

Title	Details of where to access copy
None	N/A

Corporate Consultation

Finance	Matt Sanham, Financial Services Manager
Legal	Tim Howes, Director of Corporate Governance & Monitoring Officer



FORWARD PLAN AND EXEMPT CABINET REPORT LIST

14 AUGUST 2019 TO 31 JANUARY 2020

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires the Council to give 28 clear days’ notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Key decisions

A key decision is an executive decision (taken by Cabinet or by officers on Cabinet’s behalf) that is likely:

- a) To result in the Council spending or saving significantly against the Council’s budget; or
- b) To be significant in terms of the effect on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as “key” if the impact is likely to be very significant

To help clarify what should be included as a key decision in this document, Thanet District Council has set the following thresholds:

Type of Decision	Threshold	Key Decision?
(a) Decisions involving expenditure within relevant budget approved by Council.	None.	No, unless significant effect on communities (i.e. it affects two or more wards or has a major impact within one ward)
(b) Decisions involving expenditure in excess of relevant budget approved by Council.	Any excess which exceeds the FPR virement rules.	Yes, if above threshold. If at or below threshold, a key decision if significant effect on communities (as above).
(c) Decisions on cash flow, investments and borrowings.	None.	No, unless significant effect on communities (as above).
(d) Decisions to make savings.	None.	No, unless significant effect on communities (as above).

If an executive decision does not fall into any of the above categories, it is included as non-key. Thanet District Council also includes in its published Forward Plan decisions affecting Policy Framework and Budget Setting. Other Council decisions may also be included if they have a significant impact on communities. In such cases, the decision type will be denoted as “other”.

Agenda Item 6

Annex 1

Reports to be considered in private session

The second last column of the Plan indicates where a report is likely to contain exempt information and result in the public and press being asked to leave the meeting for the consideration of the whole or part of the item.

If you wish to make any representations relating to a proposal to hold part of a meeting in private due to the potential disclosure of exempt information, please contact Nicholas Hughes, Committee Services Manager, PO Box 9, Cecil Street, Margate, Kent CT9 1XZ, nicholas.hughes@thanet.gov.uk, telephone number 01843 577208, at least 14 calendar days before the date of that meeting.

At least 5 clear (working) days before the meeting, the Council will publish on its website a notice giving details of representations received about why the meeting should be open to the public and a statement of its response.

The Plan represents a snapshot of decisions in the system as at the date of publication. It is updated 28 clear days before each meeting of Cabinet. The Plan is available for inspection at all reasonable hours free of charge at Thanet Gateway Plus, Cecil Street, Margate, Kent CT9 1RE.

Availability of documents

Subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Plan will be available from Thanet Gateway Plus, Cecil Street, Margate, Kent CT 9 1RE. Other documents relevant to those matters may be submitted to the decision makers; if that is the case, details of the documents as they become available can be requested by telephoning Democratic Services on 01843 577500 or by emailing committee@thanet.gov.uk.

The documents listed in the Plan will be published on the Council's website at least five clear (working) days before the decision date. Other documents will be published at the same time or as soon as they become available.

The Cabinet comprises the following Members who have responsibility for the portfolio areas shown:

Councillor Bob Bayford
Councillor Ash Ashbee
Councillor Lesley Game
Councillor Reece Pugh
Councillor D. Saunders

Leader of the Council
Deputy Leader of the Council and Cabinet Member for Operational Services
Cabinet Member for Housing and Safer Neighbourhoods
Cabinet Member for Corporate Governance and Coastal Development
Cabinet Member for Financial Services and Estates

14 August 2019 to 31 January 2020

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Corporate Statement 2019-2023	Council to agree on the Corporate Statement 2019-2023	1.Cabinet Overview & Scrutiny Panel Cabinet Council 2.Carol Cook, Corporate Policy Officer	Councillor Robert W Bayford, Leader of the Council	25 Jul 19 27 Aug 19 19 Sep 19 10 Oct 19	Policy Framework		Cabinet report Overview & Scrutiny Panel report 2nd Cabinet report Council report

Annex 1

Agenda Item 6

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Local Authority Housing Company	In principle decision to establish a Local Authority Housing Company, subject to further detailed work. Agreement to fund initial set up costs.	1.Cabinet Overview & Scrutiny Panel Cabinet 2.Bob Porter, Head of Housing and Planning	Councillor Lesley Ann Game, Cabinet Member for Housing and Safer Neighbourhoods	25 Jul 19 19 Nov 19 12 Dec 19	Key		Cabinet report Overview & Scrutiny Panel report 2nd Cabinet report
2018-19 Provisional Outturn and Annual Treasury Management Review	Outturn report for the financial year	1.Cabinet 2.Chris Blundell	Councillor David Saunders, Cabinet Member for Financial Services & Estates	19 Sep 19	Non-Key		Cabinet report
2019-20 Quarter 1 Budget Monitoring	Quarter 1 update of the 2019-20 Budget position	1.Cabinet 2.Chris Blundell	Councillor David Saunders, Cabinet Member for Financial Services & Estates	19 Sep 19	Non-Key		Cabinet report
Medium Term Financial Strategy (MTFS) 2020-24	Updating the Cabinet on the MTFS for 2020-24	1.Cabinet 2.Chris Blundell	Councillor David Saunders, Cabinet Member for Financial Services & Estates	19 Sep 19	Non-Key		Cabinet report

Annex 1

Agenda Item 6

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Purchase of Foy House	Approval for expenditure of agreed capital budget and use of Right to Buy receipts. Agreement to fund initial purchase and associated works for conversion from office to residential.	1. Cabinet 2. Bob Porter, Head of Housing and Planning	Councillor Lesley Ann Game, Cabinet Member for Housing and Safer Neighbourhoods	19 Sep 19	Key		Cabinet report
Budget Strategy 2020-21	To consider the Budget Strategy Report for 2020-21	1. Cabinet 2. Chris Blundell	Councillor David Saunders, Cabinet Member for Financial Services & Estates	14 Nov 19	Non-Key		Cabinet report

