

# MEETING OF THE COUNCIL



**Thursday, 10th September, 2020**

**5.00 pm**

**Thanet District Council  
Margate**

**The meeting can be viewed here:  
<https://youtu.be/U0QDvNYOv9o>**

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Date: 28 August 2020  
Ask For: Charlotte Crowley  
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You are hereby summoned to attend the meeting of the Thanet District Council to be held Online Only at this location - <https://youtu.be/U0QDvNYOv9o> on Thursday, 10 September 2020 at 5.00 pm for the purpose of transacting the business mentioned below.

*Timothy Howes*

Director of Corporate Governance

To: The Members of Thanet District Council

## **AGENDA**

Item  
No

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES OF THE PREVIOUS MEETING** (Pages 5 - 18)

To approve the Minutes of the meeting of Council held on 9 July 2020, copy attached.

3. **ANNOUNCEMENTS**

To receive any announcements from the Chairman, Leader, Members of the Cabinet or Chief Executive in accordance with Council Procedure Rule 2.2 (iv).

4. **DECLARATIONS OF INTEREST** (Pages 19 - 20)

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](#)

5. **PETITIONS**

To receive petitions from the public in accordance with Council Procedure Rule 12.

5a **PARK AVENUE, BROADSTAIRS PETITION** (Pages 21 - 24)

5b **BIGGER BINS IN THANET PETITION** (Pages 25 - 28)

6. **QUESTIONS FROM THE PRESS AND PUBLIC** (Pages 29 - 30)

To receive questions received from the press or public in accordance with Council Procedure Rule 13.

7. **QUESTIONS FROM MEMBERS OF THE COUNCIL** (Pages 31 - 34)

To receive questions from Members of the Council in accordance with Council Procedure Rule 14.

8. **NOTICE OF MOTION**

To receive any Notices of Motion from Members of Council in accordance with the Council Procedure Rule 3.

8a **MOTION: PARK AVENUE WOODLAND - BROADSTAIRS** (Pages 35 - 38)

To consider a notice of motion to require the owner of the area of woodland off Park Avenue - East of Park Wood Close-, Broadstairs (Land Registry Ref K61934), to replant any trees covered by tree protection orders within that area following the recent heavy felling and to reaffirm its current view that the area should remain as open space/woodland.

9. **LEADERS REPORT**

To receive a report from the Leader of the Council in accordance with Council Procedure Rule 2.4.

10. **REPORT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY PANEL TO COUNCIL** (Pages 39 - 50)

11. **BUDGET MONITORING REPORT NO.1, 2020-21** (Pages 51 - 66)

12. **REVISED HRA BUDGET AND MONITORING 2020-21 AND HRA PROVISIONAL OUTTURN 2019-20** (Pages 67 - 86)

13. **REPORT REGARDING URGENT ACTIONS UNDER COUNCIL PROCEDURE RULE 28** (Pages 87 - 90)

14. **APPOINTMENT OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE** (Pages 91 - 94)

15. **CHANGES TO COMMITTEES, PANELS AND BOARDS** (Pages 95 - 104)

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# Public Document Pack Agenda Item 2

## COUNCIL

**Minutes of the meeting held on 9 July 2020 at 5.00 pm in Online Only.**

**Present:** Councillor Jason Savage (Chairman); Councillors Albon, Ara, Ashbee, Bailey, Bambridge, J Bayford, R Bayford, Boyd, Campbell, Coleman-Cooke, Crittenden, Currie, Day, Dennis, Dexter, Duckworth, Cllr Everitt, Farrance, Fellows, Garner, Green, Gregory, Hopkinson, Huxley, Keen, Kup, Pat Moore, Paul Moore, Ovenden, Parsons, L Piper, Cllr Rev. S Piper, Potts, Pugh, Rattigan, Rawf, Rogers, Roper, Rusiecki, D Saunders, M Saunders, Scobie, Scott, Shrubbs, Taylor, Tomlinson, Towning, Whitehead, Wing, Wright and Yates

### 1. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Braidwood, Game and Hart.

### 2. **MINUTES OF THE PREVIOUS MEETING**

It was proposed by the Chairman, seconded by the Vice Chairman and agreed that the minutes of the meeting of Council held on 27 February 2020 be approved and signed by the Chairman.

### 3. **ANNOUNCEMENTS**

Congratulations were offered to all Councillors and Council staff regarding their efforts in supporting the community during the COVID-19 pandemic. Condolences were given to the families of those who have lost their loved ones during this time.

Members also noted the passing of former Councillor Victor Harris who represented Birchington for four years and former Chairman's attendant Keith Hauxwell. Tributes were paid and Councillors paused for a minute's silence.

Councillor Reverend. S Piper and Councillor Tomlinson paid tribute to Keith Hauxwell, noting his exceptional knowledge of those he worked with and his good nature.

### 4. **DECLARATIONS OF INTEREST**

There were no declarations of interest.

### 5. **PETITIONS**

#### (a) **Adequate Toilet Facilities at Thanet Beaches Petition**

Mr Adrian Smith presented an e-petition regarding adequate toilet facilities on Thanet Beaches. Members noted that the following e-petition contained 147 signatures:

"We the undersigned petition the council to hold a thorough review of the facilities available around the Thanet beaches to ensure the safety and wellbeing of both visitors and residents and to invest in adequate infrastructure to meet the outcomes."

In accordance with the Council's Petition Scheme, the petition was referred to Cabinet without debate for report back to the Council within three ordinary meetings.

**(b) Postpone Dog Restrictions on Thanet Beaches Petition**

Members noted that the e-petition regarding dog restrictions on beaches contained 27 signatures:

“We the undersigned petition the council to Postpone the regular dog walking restrictions on Thanet beaches for a month. With social distancing still in place, we are extremely lucky to have the beaches as an extra space to walk our dogs whilst keeping our distance. It seems extremely short sighted that, when other councils have lifted restrictions TDC have decided not to. Walking on the beach is an ideal way to keep the space between yourself and others. We will not have day trippers, visitors or holiday makers. The beaches will not be any busier than they are at the moment. We urge TDC to reconsider their decision.”

In accordance with the Council’s Petition Scheme, the petition was referred to Cabinet without debate for report back to the Council within three ordinary meetings.

**6. QUESTIONS FROM THE PRESS AND PUBLIC****(a) Question no1 - Emergency Powers**

Ms Austin asked Councillor Whitehead the following question:

“In my years of working in and with Local Authorities, I’ve only seen Emergency Powers used in very exceptional circumstances, but in Thanet they seem to be used frequently.

Could you please advise how many times such powers have been used over the past year and why this was necessary?”

Councillor Whitehead responded with the following points:

- Emergency powers refers to the Council’s ability to make urgent decisions. These are made across all Councils for a variety of purposes, in four circumstances:
  - General exception - decisions that have not been included in the Forward Plan, but where there are still at least five days between the date of decision and the date of publication.
  - Special urgency - decisions which have not been included in the Forward Plan, and where there are not five clear days between the date of decision and the date of publication
  - Urgent implementation - decisions that are taken that require the need to waive the conventional call in period
  - Urgent items - items that are to be considered by a committee which have not been placed on to an agenda at least five clear days prior to publication
- The Council had used these powers three times in the last 12 months, relating to the sale of Dreamland in July 2019, updating the IT housing system in preparation for moving the service ‘in-house’ on 1st June 2020 and lastly relating to the replacement of 11 refuse freighters on 8th June 2020.
- This last decision relates to section 13.03b of the Constitution, which required the approval of a key decision to commit the £2.2m funding for the delivery of an already approved project. This was a procedural omission due to the pressures on the Operational Services team, the project already having been approved, and a General Exception Notice route was then followed rather than delaying the purchase of the vehicles which could ultimately have impacted on the future delivery of the waste service.
- In comparison to other local authorities, in the last year, Dover District Council took 11 urgent decisions and Folkestone and Hythe took five urgent decisions, in comparison to Thanet’s three.
- It is entirely right to ask questions surrounding our usage of these powers, and it is also right to note and expect that these powers will only be used in exceptional

circumstances. Time pressures are a constant consideration, but justification and reason must always be sound and backed up by public accountability, both in terms of forum questioning, and in publication of all Urgent Decisions, as already practiced.

- The details of all our “Urgent” decisions can be found in the Delegated Decisions section of the TDC website.

## 7. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

### (a) **Question no1 - Anti-Social Behaviour**

Councillor Taylor asked Councillor Whitehead the following question:

“With increasing criminal activity and Anti Social Behaviour notably in Dane Park and parts of Dane Valley can we be assured that when the Thanet Community Safety Partnership next meets with the police this issue and safety of the residents will be on the agenda for discussion and action.?”

Councillor Whitehead responded that:

- The Council is aware of the spike in behaviour and would like to express sympathy to those affected. The Community Safety Team are aware of incidents and are liaising with Kent Police to make sure public spaces are safe.
- The Council are aware of the on-going issues relating to an unauthorised encampment in Dane Park and long term plans are being developed to help resolve this (with operational detail remaining confidential), to ensure that all communities are safe and provided for.
- If residents are experiencing issues related to Anti-Social Behaviour, in any area, the Council would urge them to report them either via 101 to Kent Police or [community.safety@thanet.gov.uk](mailto:community.safety@thanet.gov.uk).
- The partnership is committed to tackling Anti-Social Behaviour in all forms so please do not hesitate to raise your specific concerns either directly with myself or with relevant officers.

Councillor Taylor followed up his question by asking that since the question had been submitted, there had been two assaults in Dane Park, and whether it was possible to have CCTV in the park.

Councillor Whitehead responded that any interventions will be done alongside Kent Police and the Community Safety team who are working out the best way to deal with these issues, but this is an on-going process at the moment. The measures are under constant discussion.

### (b) **Question no2 - Ramsgate Pontoons**

Councillor Towing asked Councillor Everitt the following question:

“Have the fees been paid to TDC for the mooring of the two pontoons at Ramsgate harbour since September 2019 , how much was paid, over what period, who are the owners and any agreement for how long they will be moored?”

Councillor Everitt responded that:

- Fees have been paid by the customer Bam Nuttall for the mooring of the two pontoons.
- The customer is being charged a published tariff rate however, it should be noted that the schedule of fees and charges does not include a specific tariff for a pontoon as this is not classed as a vessel.
- Ramsgate Harbour is run on a commercial basis and the nature of individual transactions between the Harbour and any of its customers must remain

confidential. This is not only to protect the confidentiality that must exist between the harbour and its customer but is also to protect the Council's position in terms of competition that exists in the wider maritime market.

- It is for the customer to decide how long they wish for the pontoons to remain at Ramsgate, there is no agreement in place for this.

Councillor Towing followed up his question by asking if it would be possible if he could find out what period the money has been paid over and how much.

Councillor Everitt responded that the Monitoring Officer can explain the Council's legal position, but the amount paid is substantial and appropriate.

(c) **Question no3 - Waste Vehicles**

Councillor Wing asked Councillor Albon the following question:

"Why was it necessary to use 'emergency powers' to spend £2.2 million on replacement waste and recycling vehicles?"

Councillor Albon responded that

- The 2020/21 capital programme includes an approved budget for the replacement of a substantial proportion of the council's refuse vehicle fleet. The expected economic life span of a refuse collection vehicle is 7 years; this is because of the heavy nature of the work and type of load the vehicles carry.
- The vehicles to be replaced were purchased in 2013. These vehicles can no longer be economically maintained and it will quite simply leave the council unable to deliver a full household waste service if they are not replaced. The project delivery has therefore been programmed to coincide with the end of the existing vehicle's economic life.
- Section 13.03b of The Constitution requires the approval of a key decision to commit the £2.2m funding for the delivery of this approved project.
- Unfortunately due to considerable pressures on the Operational Services team as a result of maintaining a full household waste service during the COVID-19 pandemic, the proposed spend was not included on the Forward Plan in accordance with standard timescales.
- This was a procedural omission and a General Exception Notice route was then followed rather than delaying the purchase of the vehicles which could ultimately have impacted on the future delivery of the waste service.

Councillor Wing followed up her question by asking: since the current lifespan of a refuse vehicle is seven years, their replacement should have been predicted. This should not have been an emergency situation. While there is no disagreement about the purchase of the vehicles, given the Council did not go through a formal tendering process, how would TDC guarantee the best value for public money.

Councillor Albon asked the Director of Operations, Gavin Waite, to respond. TDC used a framework, that was similar to the one used by Councils across the country, designed to undertake the procurement and make sure all due diligence is done. They host the competition process to deliver best practice and therefore best value to the Council. This process is quicker and easier as it solves any issues regarding procurement rules, and was able to be completed quickly at the time. Further, this was a procedural error which should have been on the Forward Plan, as it has been on the Project Plan for the last two years.

(d) **Question no4 - Jetskis**

Councillor Farrance asked Councillor Albon the following question:



“TDC works very hard to ensure the safety of residents and visitors. In this regard, what steps are being taken to ensure that jetskiers only launch from the designated four slipways, and those who come into the swimming areas and 'buzz' kayakers and paddle boarders will be dealt with appropriately?”

Councillor Albon responded that:

- A communication has been sent out to all members of the water user group reminding them of the rules and what is expected of them.
- Any individuals identified as breaching the rules continuously will be contacted and their permits revoked.
- The RNLI will tackle those breaking the rules on beaches they patrol.
- The Council are designating a summer beach & coastal supervisor who can support us by being the eyes and ears on the ground, closing barriers, engaging with water users and reminding them of the rules.
- This ideally would be a longer term position, as it is very much needed with our increasingly busy beaches and coastline, particularly in providing weekend support for our staff and partner agencies as well as gathering intelligence on the problems.
- From this monitoring and reporting, the Council wants to review the effectiveness of the signage, barriers and bollards at some of the problem hotspots this summer. This would also look at some effective ways of communicating with the public on the rules and regulations moving forwards.
- Furthermore, the Council intend to meet with the local jet ski clubs to find some better ways of holistically managing the issues faced, finding solutions by working in partnership.
- Longer term, the Council aim to strengthen our powers over the coastal by-laws to make them more easily enforceable with more serious penalties, and are exploring doing this through a Public Spaces Protection Order encompassing all old by-laws and new requirements.

Councillor Farrance followed up her question by noting that this was a reassuring report and of course it was an excellent idea to work with the clubs, but the issue is with the people launching jet skis illegally who don't want to join local clubs. When Councillors or members of the public see individuals misbehaving what should be done to tackle this and who should the issues be reported to.

Councillor Albon responded that he is always available, and that there is an out-of-hours Council phone number to call and the message will be passed on to the relevant officer. Once a coastal supervisor has been recruited, they would be able to deal with these matters too.

## 8. **NOTICES OF MOTION**

### (a) **Notice of Motion - Fireworks**

It was proposed by Councillor Gregory and seconded by Councillor Rawf that:

The Council recommends to Cabinet that Cabinet reviews the Council's legal powers in relation to public firework displays and the use of fireworks generally in the District, and in particular:

- a requirement that all public firework displays within the local authority boundaries to be advertised in advance of the event, allowing residents to take precautions for their animals and vulnerable people;
- the promotion of a public awareness campaign about the impact of fireworks on animal welfare and vulnerable people – including the precautions that can be taken to mitigate risks;
- lobbying the Government urging them to 'utilise any levers at their disposal to mitigate any negative impacts on animals and vulnerable people of the hosting of firework displays;
- lobbying the Government to impose tighter controls on the use of fireworks;

- encouraging local suppliers of fireworks to stock 'quieter' fireworks for public display.

In accordance with council procedure rule 3.7, Councillor Whitehead provided a response to the motion.

Members chose to debate the motion.

A recorded vote took place on this item due to the nature of the meeting being completely virtual.

The Monitoring Officer conducted a recorded vote on the motion as follows:

49 Members voted in favour of the motion: Councillors Albon, Ara, Ashbee, Bailey, Bambridge, J Bayford, R Bayford, Boyd, Campbell, Coleman-Cooke, Currie, Day, Dexter, Duckworth, Everitt, Farrance, Fellows, Garner, Green, Gregory, Hopkinson, Huxley, Keen, Kup, Pat Moore, Paul Moore, Ovenden, Parsons, L Piper, Potts, Pugh, Rattigan, Rawf, Rogers, Roper, Rusiecki, D Saunders, M Saunders, Savage, Scobie, Scott, Shrubbs, Taylor, Towning, Tomlinson, Whitehead, Wing, Wright and Yates.

No Members voted against the motion.

1 Member abstained from voting on the motion: Councillors Rev. S Piper.

2 Members were unable to vote due to technical difficulties: Councillors Crittenden and Dennis.

The motion was carried.

## 9. LEADERS REPORT

In summary, the Leader's report commended the efforts of the Council staff, Members, and the workers on the frontline who have helped to fight COVID-19, through continued service delivery, handling beach management challenges and supporting businesses and will now begin to move on and recover from this. Additional detail to the report is attached as Annex 1 to this minute item.

Councillor Ashbee as Deputy-Leader of the Conservative Party responded on behalf of Councillor Game with the following points:

- There was agreement with the comments sending sentiments to families who have lost loved ones and thanking the staff members who stepped up to help at this difficult time to keep services going and providing an outstanding response to the needs of our community.
- The behaviour of those visiting our beaches cannot be condoned. But it is good to see our residents enjoying the opening of pubs and bars once again.
- The assistance central government will give local authorities for recovery is uncertain
- A cross-party finance working group should be set up to assist in reviewing a future emergency budget, with the input of all elected Members.
- On the subject of Uncle Mack's plaque, its future should be decided through consultation with the Overview and Scrutiny panel and the town council, rather than one person. The Pleasurama development will be an undoubted improvement to Ramsgate and a site that has sat derelict for many years.
- In regards to the earlier news surrounding the granting of the Development Consent Order (DCO) to the Manston site, the Conservative group welcomed the decision and is pleased to move on in a time of uncertainty. Districts across the country will now struggle to attract inward investment and create jobs at a time

when many businesses will be struggling as a result of the pandemic. Thanet is fortunate to have private investors willing to put £300m towards a project that will create good long term work and lay the foundations for a solid economy for the future

The Leader replied to Councillor Ashbee's comments with the following points:

- A common appreciation was shared for the efforts of the Council staff during this emergency situation.
- There was agreement that Uncle Mack should be called in; Councillors have the right to air their views and the Leader is looking forward to hearing them.
- The DCO decision was announced a few hours prior to the Council meeting and even normal arrangements for the Leader's speech wouldn't allow lengthy reflection on the matter. As the Secretary of State has overturned the Planning Inspectorate's decision on the application, it is expected that the decision will be challenged and that the uncertainty is not over. The Council will engage constructively with whichever decision comes from this.

Councillor Reverend Piper as leader of the Thanet Independents Party made the following points:

- Congratulations were shared to the officers of the council for their sterling efforts during this crisis. Commitment across all teams, including the finance team, refuse collection and even the digital team to keeping the Council running was noted.
- There was agreement that it had been a sad time for those in the community who have lost their loved ones to COVID-19 and gratitude was expressed to all local NHS staff and those in working in care homes for putting themselves on the frontline for our safety.
- The return to the Council Chamber to resume face-to-face discussions was eagerly anticipated.
- The Black Lives Matter demonstrations should not have been condoned by the Leader of the Council due to the current restrictions on public gatherings.
- The comments regarding racism in Thanet by another Councillor from the Labour group were disputed.

The Leader replied to Councillor Reverend Piper's comments with the following points:

- The holding of demonstrations in Thanet despite restrictions on public gatherings was problematic, yet they were lawful, orderly and not stopped by the police. It is not for the Council to stop these demonstrations if they do not break the law and this Council should respect them.
- Councillor Rawf intended to provide evidence for his comments and while generalisations were not helpful, the issue of racism (in Thanet and nationally) should not be denied.

Councillor Garner as Leader the Green Party made the following points:

- The Leader's sentiments were echoed and condolences were sent to those who had lost loved ones across Thanet. The efforts of the NHS staff should be suitably respected.
- The response by the Council staff who have continued to deliver essential services is commendable, including democratic services who have ensured that Members continue to meet virtually.
- Many across the district have been adversely affected by the pandemic shown by the increased need in food banks and voluntary groups springing into action to help those in need, alongside the district and the town councils.
- The Green Party was disappointed that £1.5m granted by the government was not directly used to help residents; the £2m earmarked for the Thanet Parkway station should be used to continue to deliver essential services.

- The recovery phase is an opportunity to review working practices in all areas of Council service delivery and will not only make accommodation savings but reduce our carbon footprint.
- The Black Lives Matter movement and the conversation this has provoked will lead to more open and honest debate around the issue of racism. The history and significance of the Uncle Mack plaque will be discussed further at the next Overview and Scrutiny Panel meeting.
- The Manston DCO has ignored all facts considered by the examining authority, recent court rulings on the government's climate responsibilities, and the devastating impact of COVID-19 on the aviation sector. The decision will be challenged in the courts and will continue on into the future.
- It is positive to see work progress on the Pleasurama site. Thanet's special marine environment needs protection and an environmental inspection should have been done on this area.

The Leader replied to Councillor Garner's comments noting that:

- The new leader of the Green Party was welcomed.
- In regard to funding from the government, the Council has a considerable financial deficit due to the loss of revenue during this period and this money was needed to plug it.
- But a substantial amount of money has been spent on expenses relating to COVID-19, the exact figure of which will be announced at a later date.
- The decision to grant money for a Thanet Parkway station should remain. This substantial investment will not be spent elsewhere in the district if it is not spent on this. It is not just an extra stop but part of a vision to improve the local economy. Ultimately it will be Kent County Council's decision to agree to the investment.

#### **10. REPORT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY PANEL**

Councillor Bayford, the Chairman of the Overview and Scrutiny Panel, presented the report and the following points were noted

- The Workshop on the 24th of June was an opportunity for Members to put forward ideas for scrutiny. This was an encouraging meeting, with full attendance from the panel and a significant number of members of the Council were in attendance.
- A long list of items to consider has been created and will be brought back as a shortened list in due course
- The call in regarding the Uncle Mack decision has been well received and a rigorous debate on the subject will lead to the right decision.

Members noted the report.

#### **11. THANET LOCAL PLAN - INSPECTORS' REPORT (REG 25) AND ADOPTION (REG 26)**

After the Leader presented his report, it was proposed by the Leader and seconded by Councillor Bob Bayford and Members agreed by recorded vote the recommendations detailed in the report, namely to:

1. Adopt the Thanet Local Plan, subject to the modifications set out in the Inspectors' Report; and
2. Adopt the Landscape Character Assessment as a Supplementary Planning Document.

A recorded vote took place on this item due to the nature of the meeting being completely virtual.

The Monitoring Officer conducted a recorded vote on the motion as follows:

41 Members voted in favour of the motion: Councillors Albon, Ara, Ashbee, Bailey, J Bayford, R Bayford, Campbell, Coleman-Cooke, Currie, Day, Duckworth, Everitt, Farrance, Garner, Green, Gregory, Hopkinson, Huxley, Keen, Pat Moore, Ovenden, Parsons, L Piper, Rev. S Piper, Pugh, Rattigan, Rawf, Rogers, Roper, Rusiecki, D Saunders, M Saunders, Savage, Scobie, Shrubbs, Taylor, Towning, Tomlinson, Whitehead, Wing, and Yates.

1 Member voted against the motion: Councillor Kup.

8 Members abstained from voting on the motion: Councillors Bambridge, Boyd, Dexter, Fellows, Paul Moore, Potts, Scott and Wright.

2 Members were unable to vote due to technical difficulties: Councillors Crittenden and Dennis.

The motion was carried.

## **12. DRAFT HOMELESSNESS, HOUSING AND ROUGH SLEEPING STRATEGY**

After the Deputy-Leader presented her report, it was proposed by the Deputy-Leader, seconded by the Councillor Everitt and Members agreed by recorded vote the recommendations detailed in the report, namely that:

1. Agree to adopt the draft Housing, Homelessness and Rough Sleeping Strategy 2020-2025, attached at annex 1.

A recorded vote took place on this item due to the nature of the meeting being completely virtual.

The Monitoring Officer conducted a recorded vote on the motion as follows:

50 Members voted in favour of the motion: Councillors Albon, Ara, Ashbee, Bailey, Bambridge, J Bayford, R Bayford, Boyd, Campbell, Coleman-Cooke, Currie, Day, Dexter, Duckworth, Everitt, Farrance, Fellows, Garner, Green, Gregory, Hopkinson, Huxley, Keen, Kup, Pat Moore, Paul Moore, Ovenden, Parsons, L Piper, Rev. S Piper, Potts, Pugh, Rattigan, Rawf, Rogers, Roper, Rusiecki, D Saunders, M Saunders, Savage, Scobie, Scott, Shrubbs, Taylor, Towning, Tomlinson, Whitehead, Wing, Wright and Yates.

No Members voted against the motion.

No Members abstained from voting on the motion.

2 Members were unable to vote due to technical difficulties: Councillors Crittenden and Dennis.

The motion was carried.

## **13. MEMBERS ALLOWANCES SCHEME 2020/2021**

It was proposed by Chairman and seconded by the Vice-Chairman that the recommendations set out in the report be agreed, namely:

1. To note the comments of the EKJIRP and adopt the 2020/21 Members allowances scheme as set out at annex 1 to this report with effect from 1 April 2020.

There were no objections to this recommendation and it was agreed by all Members.

**14. CONFIRMATION OF INDEPENDENT PERSON AND THE INDEPENDENT CHAIRMAN OF THE STANDARDS COMMITTEE**

It was proposed by the Chairman, Seconded by the Vice-Chairman and Members agreed to the confirmation of the Independent Person and the Independent Chairman of the Standards Committee:

1. Mr Dennis James should be appointed as Thanet District Council's Independent Person for a new four term from this meeting.
2. Mr Peter Tucker should be appointed as the Chairman of the Standards Committee for a four year term from this meeting.

There were no objections to these recommendations and it was agreed by all Members

**15. OUTSIDE BODIES**

It was proposed by the Chairman, Seconded by the Vice-Chairman and Members agreed to the recommendation set out in the report, namely:

1. That Council agrees that Councillor Rattigan is appointed as representative to PATROL (Parking And Traffic Regulations Outside Of London)

There were no objections to these recommendations and it was agreed by all Members.

Meeting concluded : 7.20 pm

Leader's speech for council (Thursday, July 9th)

We meet tonight in circumstances that would have been unimaginable six months ago, connected by technology but unable to share the same physical space. Since the leader's speech must be supplied to group leaders in advance in any case, it seemed to me more efficient on this occasion to publish it publicly for everyone to read.

Since we last met at the end of February the council and the country have been through extraordinary times. As we begin to emerge from them, we must focus on the future. However, as this is our first full council meeting since February, it is right that we first reflect on what has happened in the intervening period.

First, I want to note with sadness that dozens of our residents have lost their lives to Covid-19, each case a tragedy for the family concerned. The council will want to extend its condolences to all of them. None was more poignant for our community than the loss of QEQM nurse Aimee O'Rourke at the beginning of April.

Whatever criticisms may be made of the government's handling of this epidemic, the bravery and sacrifice of staff in the NHS is beyond dispute. There are many other people working in frontline services, from shop staff to bus drivers and delivery workers, who have helped our community carry on. We should be grateful to them all.

The community itself, in the shape of numerous voluntary agencies and individual volunteers, has stepped up too, as have many of Thanet's town and parish councils. Ramsgate Town Council, in particular, can be proud of its service to the district as a whole in supporting the distribution of food parcels.

The challenge for this council was to play its designated role in the national framework while at the same time delivering its essential services. The regular collection of household waste and recycling became more important than ever, not just because residents were largely trapped at home, but because it showed society continuing to function.

I have said before, but it is important to do so again in this formal meeting, that the response of council staff at every level has been excellent, from the frontline to the back office or, as has more often been the case in recent months, the back bedroom. They have not just been doing their normal work, but in many cases going above and beyond that in service to the district. This is our opportunity as a council to recognise and thank them.

The first priority for all us has been the welfare of residents and TDC has played a vital role in coordinating between vulnerable individuals and the various third sector agencies. The council also contacted nearly 6,500 people in the government's shielded group, to make sure that each had a support network in place, and in hundreds of cases organised house calls where individuals could not be reached by telephone.

Providing suitable temporary accommodation for the homeless was a key priority from the start of the emergency and with local hotels unable to operate normally this was quickly

achieved, although the nature of the issue means that not everyone will accept or can remain in accommodation even when provided.

TDC has committed to ensuring excellence in this service even throughout a crisis situation; residents housed in this way have been moving into long term tenancies as soon as they were ready, and our homelessness team and RISE are working with all residents who are able to secure and maintain tenancies, and working to support all those who will need ongoing help in order to reach this point.

From the beginning of the crisis, the council was charged with supporting businesses through the distribution of government grants. Much of this work was done by Civica staff through our shared service arrangements, but with the oversight of our own finance team. TDC staff voluntarily took a proactive approach to try to contact businesses who were slow to take up the offer. More recently the council has itself delivered a discretionary grants scheme to try to assist those businesses who were not covered by the original payments.

Altogether we have paid out £32.5m to just over 3,000 local businesses over the space of three months, but we recognise that the task of rescuing our economy from the effects of lockdown does not end there. The safe re-opening of non-essential shops and, from July 4th, food and drink outlets is critical to supporting our economy and the jobs that depend on it. We have already seen a significant rise in unemployment locally.

Like the response phase of this emergency, the recovery phase requires adaptation and cooperation. Government has not always given local authorities the time they need to adapt to changes in the regulations. A good example was the change to the travel regulations, which gave us two days to prepare for the re-opening of beaches.

At the beginning of May we were being lobbied to suspend the annual dog restrictions because the beaches were unlikely to be used by visitors this summer; by the middle of the month we were facing a growing challenge from large numbers of people arriving when the timing of the lockdown had prevented us making normal provision for the summer season. In particular, we faced the challenge of opening public toilets safely and with additional cleaning staff. When we did, staff were abused and materials were stolen.

There were particular problems of litter, inconsiderate parking and people relieving themselves in public around some of our smaller beaches, which though not unique to Thanet are of particular concern to the local residents affected. We are grateful to the many volunteers who have helped us clean up after the beach users. The sheer volume of rubbish being left behind across all beaches remains a major challenge.

By June we were operating at peak summer resource levels, and in some cases above them. We have put in place a beach management plan which we will continue to adapt in the light of experience as the situation unfolds. Following the extraordinary numbers who visited Thanet on Thursday, June 25th, with an estimated 40,000 on Margate Main Sands alone, we convened a multi-agency meeting with police, RNLI, transport operators, KCC and the NHS to discuss how best to manage any future surge in numbers.



As a district council we are constrained in two directions, resources and authority. Most obviously we do not have the ability to close roads or beaches, even if that was perceived to be the right thing to do. I have noted that even authorities which asked visitors to stay away have been overwhelmed. The reality is that there are about 320 local authority areas in England alone and they cannot sensibly each have their own travel policy. Any public health intervention around travel to beaches must come from central government in order to be effective.

The opening of air bridges to overseas holiday destinations may mitigate some of the impacts on Thanet's beaches, and the opening of pubs, cafes and restaurants may divert some people who were previously using the beach, while the unpredictable British weather will have its own impact. However, the council will continue to prepare for exceptional numbers of beach visitors. As part of this, we have worked with the two local MPs to make a case to government for additional resources around the particular issues we face and I am grateful to them both for their constructive input and support on this matter.

As with every other local authority, the council's financial position has been severely affected, not just by extra expenditure related to Covid-19, but by loss of revenue from council tax, fees and charges and business rates. Our best estimate has been that we faced a budget shortfall of £5.5m, which has been offset by around £1.5m in government support and a further amount, unspecified at the time of writing, that is now expected.

It is disappointing, if unsurprising, that government support has not matched the "whatever it takes" rhetoric of the early weeks, but a report will come to cabinet at the end of July which will give a more detailed and accurate account of the financial position and how the council can address it, including drawing on its reserves.

It is still uncertain when the council will be able to meet again in person. I am nevertheless proud that thanks to our democratic services staff and digital team, our officers and members have been able to operate efficiently from home and that we were among the first to resume formal meetings and continue the everyday public business of the council.

Clearly these online meetings have limitations and frustrations, but the situation also provides opportunities to consider new ways of working for all of us. We will want to go back to the council chamber for formal meetings, but the fortnightly online member briefings have been a resounding success, with attendance well beyond the numbers we might expect for traditional sessions. I believe that these bring the council closer together, provide more opportunities for backbenchers to engage with senior officers and have demonstrated the cross-party commitment of councillors to represent their wards.

Another lesson that we have taken from the experience of using the technology is that there is an opportunity for senior officers and members to save time and money by no longer driving to some working meetings outside Thanet, and in some cases meetings at Margate. This is not only sensible but must form part of the council's response to the climate emergency. In the same way, where officers can work just as effectively remotely there is

potential to provide savings on council accommodation costs and a better work/life balance for staff. Some will always find it more practical to work in the office, and wish to do so, but the balance is likely to change as a result of the crisis, even when it is over.

Much else has happened in the last four and half months that I cannot cover here. The adoption, hopefully, of the local plan tonight is a landmark event. But there are two more things outside the currently dominant concern, or indeed council control, that I want to mention.

The first is the two large Black Lives Matters demonstrations that took place in Thanet in June. These were problematic because they took place in defiance of the Covid-19 regulations on public gatherings. However, they were substantial, dignified and orderly. We do not just have a legal duty, but a moral one, to challenge racism in society and anyone who has followed the Windrush scandal will know that it is very far from being eliminated. We must not pretend that racism does not exist in Thanet and I welcome Cllr Rawf's recent detailed response to South Thanet MP Craig Mackinlay on this point.

In this context I recently made a formal decision about the future of Uncle Mack's plaque in Broadstairs, and that has quite properly been called in by the overview and scrutiny panel. I look forward to hearing other members' views at that meeting.

The second thing I want to highlight is the start of building work on the former Pleasurama site in Ramsgate, 22 years after the original amusements burnt down. This prominent vacant plot has damaged Ramsgate seafront for two decades and been the source of endless frustration for residents and councillors for most of that time. It was a constant issue when I was an Eastcliff councillor between 2011 and 2015, although the land is now in private ownership and has been under third-party control for many years. Last week I went and spoke to the developers Blueberry Homes on site. The flats are going up fast and they expect to have the first occupiers move in next spring, with the whole development built out in 2-3 years.

This is a timely reminder that even the most stubborn problems do get resolved eventually. And tomorrow we are promised, again, a decision on the DCO for Manston. Even when circumstances are at their most difficult, things do eventually move on.



## **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](#).

## **PETITION REGARDING PARK AVENUE WOODLAND, BROADSTAIRS**

<b>Meeting</b>	<b>10 September 2020</b>
<b>Report Author</b>	<b>Nick Hughes, Committee Services Manager</b>
<b>Portfolio Holder</b>	<b>Councillor Ruth Duckworth, Cabinet Member for Estates and Economic Development.</b>
<b>Status</b>	<b>For Recommendation</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Key Decision</b>	<b>No</b>

### **Executive Summary:**

An Epetition containing 319 valid signatures and a paper petition containing 455 valid signatures was received by the Council requesting that Thanet District Council takes action to ensure the replanting of trees covered by tree protection orders.

This report sets out how the Council deals with petitions of this size; it explains that the petition organiser will present the petition to the meeting and sets out the next steps as to how the Council will deal with the petition.

### **Recommendation(s):**

Under the Council's petitions scheme, Council is required to refer the petition to Cabinet without debate for report back to Council.

### **Corporate Implications**

#### **Financial and Value for Money**

There are no identified financial implications from this report.

#### **Legal**

This matter is dealt with under the Council's scheme for dealing with petitions from the public which is contained within the constitution.

#### **Corporate**

In accordance with the Council's petition scheme if a petition has over 25, but less than 650, signatories, it will be referred to Cabinet or an appropriate committee without debate for report to Council within three ordinary meetings. In regards to a paper and Epetition running simultaneously, the number of signatories to both petitions is reported separately but within

the same report. The Council will take a course of action based on the largest threshold met by either petition.

## **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 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.

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.

There are no specific equalities issues arising from this report.

However it is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- *Environment*
- *Communities*

### **1.0 Introduction and Background**

- 1.1 Under the terms of the Council's petitions scheme, members of the public may present petitions at ordinary meetings of Council; and if a petition has over 25, but less than 650, signatories, it will be referred to Cabinet or an appropriate committee without debate for report to Council within three ordinary meetings.

### **2.0 The Current Situation**

- 2.1 An Epetition and paper petition organised by Mr David Tate has been validly signed by 319 and 455 people respectively. The petition prayer reads:

*"We the undersigned petition the council to require the owner of the area of woodland off Park Avenue - East of Park Wood Close-, Broadstairs (Land Registry Ref K61934), to replant any trees covered by tree protection orders within that area following the recent heavy felling and to reaffirm its current view that the area should remain as open space/woodland."*

- 2.2. The petition organiser is entitled to present their petition to Council, and in accordance with the Council's petition scheme has three minutes to present the petition.
- 2.3. Mr Tate has been contacted by the Council and has appointed Mrs Seuss to present the petition on his behalf.

## **3.0 Next Steps**

- 3.1 Under the Council's petitions scheme, Council is required to refer the petition to Cabinet for report back to Council within three ordinary meetings.

Contact Officer: Nick Hughes, Committee Services Manager  
Reporting to: Tim Howes, Director of Corporate Governance

### **Annex List**

There are no Annexes with this report.

### **Background Papers**

There are no Background Papers with this report.

### **Corporate Consultation**

**Finance:** Chris Blundell, Head of Financial Services

**Legal:** Tim Howes, Director of Corporate Governance & Monitoring Officer

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## PETITION REGARDING BIGGER BINS ON THANET BEACHES

<b>Meeting</b>	<b>10 September 2020</b>
<b>Report Author</b>	<b>Nick Hughes, Committee Services Manager</b>
<b>Portfolio Holder</b>	<b>Councillor Steve Albon, Cabinet Member for Operational Services</b>
<b>Status</b>	<b>For Recommendation</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Key Decision</b>	<b>No</b>

### **Executive Summary:**

An Epetition containing 42 valid signatures was received by the Council requesting that Thanet District Council provide larger bins for the general public to use across the Thanet coastline.

This report sets out how the Council deals with petitions of this size; it explains that the petition organiser will present the petition to the meeting and sets out the next steps as to how the Council will deal with the petition.

### **Recommendation(s):**

Under the Council's petitions scheme, Council is required to refer the petition to Cabinet without debate for report back to Council.

### **Corporate Implications**

#### **Financial and Value for Money**

There are no identified financial implications from this report.

#### **Legal**

This matter is dealt with under the Council's scheme for dealing with petitions from the public which is contained within the constitution.

#### **Corporate**

In accordance with the Council's petition scheme if a petition has over 25, but less than 650, signatories, it will be referred to Cabinet or an appropriate committee without debate for report to Council within three ordinary meetings.

## **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 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.

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.

There are no specific equalities issues arising from this report.

However it is important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration had been given to the equalities impact that may be brought upon communities by the decisions made by Council.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- *Environment*

### **1.0 Introduction and Background**

- 1.1 Under the terms of the Council's petitions scheme, members of the public may present petitions at ordinary meetings of Council; and if a petition has over 25, but less than 650, signatories, it will be referred to Cabinet or an appropriate committee without debate for report to Council within three ordinary meetings.

### **2.0 The Current Situation**

- 2.1 An Epetition organised by Ms Emily Parris has been validly signed by 42 people. The petition prayer reads:

*"We the undersigned petition the council to Provide bigger bins for the general public to use across the Thanet coastline."*

- 2.2. The petition organiser is entitled to present their petition to Council, and in accordance with the Council's petition scheme has three minutes to present the petition.
- 2.3. Ms Parris has been contacted by the Council and we will know whether she wishes to present the petition in due course.

## **3.0 Next Steps**

- 3.1 Under the Council's petitions scheme, Council is required to refer the petition to Cabinet for report back to Council within three ordinary meetings.

Contact Officer: Nick Hughes, Committee Services Manager  
Reporting to: Tim Howes, Director of Corporate Governance

### **Annex List**

There are no Annexes with this report.

### **Background Papers**

There are no Background Papers with this report.

### **Corporate Consultation**

**Finance:** Chris Blundell, Head of Financial Services

**Legal:** Tim Howes, Director of Corporate Governance & Monitoring Officer

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## QUESTIONS FROM THE PRESS AND PUBLIC

<b>Council</b>	<b>10 September 2020</b>
<b>Report Author</b>	<b>Committee Services Manager</b>
<b>Portfolio Holder</b>	<b>Cabinet Member for Housing and Community Services</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Key Decision</b>	<b>No</b>

### **Executive Summary:**

The Leader and Cabinet Members will receive questions from the press and public in accordance with Council Procedure Rule 13.

### **Recommendation(s):**

This report is for information.

### **Corporate Implications**

#### **Financial and Value for Money**

There are no identified financial implications from this report.

#### **Legal**

There are no legal implications directly from this report.

#### **Corporate**

Council Procedure Rule 13 affords members of the public the opportunity to ask questions of Members of the Cabinet at ordinary meetings of the Council.

#### **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 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.

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.

There are no specific equality issues arising from this report.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- *Communities*

### **1.0 Introduction and Background**

- 1.1 Council Procedure Rule 13 enables members of the public may ask questions of members of the Cabinet at ordinary meetings of the Council.
- 1.2 Any questions received in accordance with the Council's constitution will be available to view on the Council website:  
<https://www.thanet.gov.uk/info-pages/speaking-at-council-meetings/>
- 1.3 Under Council Procedure Rule 13.6, the Chairman will invite the questioner to put their question to the Member named in the notice. If the questioner is not present, the question shall not be put and shall be answered in writing.
- 1.4 Under Council Procedure Rule 13.7, if the Member to whom the question is directed is present they will provide an oral answer. If that Member is not present, the question will be answered by the Leader or another Member nominated by the Leader for the purpose unless it is inappropriate for the Leader to give an oral answer or to nominate another Member to give an oral answer, in which case the question will be dealt with by a written answer.
- 1.5 The total time devoted to questions from the press and public shall not exceed 30 minutes. Any question which cannot be dealt with during that time will be replied to in writing.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Tim Howes, Director of Corporate Governance and Monitoring Officer

### **Annex List**

There are no Annexes with this report.

### **Background Papers**

There are no Background Papers with this report.

### **Corporate Consultation**

**Finance:** Matt Sanham, Corporate Finance Manager

**Legal:** Tim Howes, Director of Corporate Governance and Monitoring Officer

## QUESTIONS FROM THE MEMBERS OF THE COUNCIL

<b>Council</b>	<b>10 September 2020</b>
<b>Report Author</b>	<b>Committee Services Manager</b>
<b>Portfolio Holder</b>	<b>Cabinet Member for Housing and Community Services</b>
<b>Classification:</b>	<b>Unrestricted</b>
<b>Key Decision</b>	<b>No</b>

### **Executive Summary:**

The Leader, Cabinet Members and Chairman of any Committee or Sub-Committee will receive questions from Members of the Council in accordance with Council Procedure Rule 14.

### **Recommendation(s):**

This report is for information.

### **Corporate Implications**

#### **Financial and Value for Money**

There are no identified financial implications from this report.

#### **Legal**

There are no legal implications directly from this report.

#### **Corporate**

Council Procedure Rule 14.3 affords Members of the Council the opportunity to ask questions of Members of the Cabinet at ordinary meetings of the Council.

#### **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 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.

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.

There are no specific equality issues arising from this report.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- *Communities*

### **1.0 Introduction and Background**

1.1 Council Procedure Rule 14.3 states that a Member of the Council may ask

- a Member of the Cabinet; or
- the Chairman of any Committee or Sub-Committee

A question on any matter in relation to which the Council has powers or duties or which affects the district.

1.2 Council Procedure Rule 14.7 states that an answer may take the form of:

- a) a direct oral answer;
- b) where the desired information is in a publication of the Council or other published work, a reference to that publication; or
- c) where the reply cannot conveniently be given orally, a written answer circulated within three working days to the questioner.

1.3 A Member may, in accordance with Council Procedure Rule 14.8, ask one supplementary question without notice to the Member to whom the first question was asked. The supplemental question must arise directly out of the original question or the reply.

1.4 The questioner shall have two minutes for the initial question and one minute for the supplementary question and the respondent shall have five minutes for the initial reply and two minutes for the supplementary reply. (Council Procedure Rule 14.9 refers)

1.5 The total time devoted to questions from Members of the Council shall not exceed 30 minutes. Any question which cannot be dealt with during that time will be replied to in writing.

1.6 Any questions received in accordance with the Council's constitution will be available to view on the Council's website:

<https://www.thanet.gov.uk/info-pages/speaking-at-council-meetings/>

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Tim Howes, Director of Corporate Governance and Monitoring Officer

### **Annex List**



There are no Annexes with this report.

## **Background Papers**

There are no Background Papers with this report.

## **Corporate Consultation**

**Finance:** Chris Blundell, Head of Financial Services

**Legal:** Tim Howes, Director of Corporate Governance and Monitoring Officer

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## **NOTICE OF MOTION REGARDING PARK AVENUE, BROADSTAIRS**

<b>Council</b>	<b>10 September 2020</b>
Report Author	<b>Nick Hughes, Committee Services Manager</b>
Portfolio Holder	<b>Councillor Ruth Duckworth, Cabinet Member for Estates and Economic Development.</b>
Status	<b>For Decision</b>
Classification:	<b><i>Unrestricted</i></b>
Key Decision	<b>No</b>
Ward:	<b>Viking Ward</b>

### **Executive Summary:**

This Council will consider a notice of motion requiring the owner of the Park Avenue woodland area in Broadstairs to replant the trees that were recently felled.

Any motion on notice that proposes the taking of a decision where Council has not received a report from the officers setting out the technical, legal and financial implications of taking the decision in question shall only be debated.

### **Recommendation(s):**

Council is invited to consider whether to debate the motion.

### **Corporate Implications**

#### **Financial and Value for Money**

None arising directly from this report.

#### **Legal**

Council Procedure Rule 3.7 states that: "the Member whose name appears first on the notice will move the motion during his or her speech and call for a seconder. If seconded, a Member from the controlling political group will be entitled to a reply, after which the motion shall stand referred without further discussion to the Cabinet or appropriate committee for determination or report unless the Council decides to debate the motion in accordance with Rule 16" (*rules of debate*)

However, as only Council can adopt the motion on notice, the motion will fall if the Council does not agree to debate it.

## Corporate

Council Procedure Rule 3 provides the opportunity for Councillors to give advance notice of motions to be put to Council.

Any motion on notice that proposes the adoption of a policy or the taking of a decision where Council has not received a report from the officers setting out the technical, legal and financial implications of adopting the policy or taking the decision in question shall only be debated.

## 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 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.

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.

There are no specific equalities issues arising from this report.

## CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- *Environment*
- *Communities*

## 1.0 Introduction and Background

1.1 The following motion has been received from Councillor Garner in accordance with Council Procedure Rule No. 3:

***“To consider a notice of motion to require the owner of the area of woodland off Park Avenue - East of Park Wood Close-, Broadstairs (Land Registry Ref K61934), to replant any trees covered by tree protection orders within that area following the recent heavy felling and to reaffirm its current view that the area should remain as open space/woodland.”***

## 2.0 Options

2.1 To debate the motion

2.2 Not to debate the motion, in which case the motion will fall.

## **3.0 Decision Making Process**

3.1 It is for Council to decide whether or not to debate the motion.

Contact Officer: Nick Hughes, Committee Services Manager  
Reporting to: Tim Howes, Director of Corporate Governance

### **Annex List**

There are no Annexes with this report.

### **Background Papers**

There are no Background Papers with this report.

### **Corporate Consultation**

**Finance:** Chris Blundell, Head of Financial Services

**Legal:** Tim Howes, Director of Corporate Governance & Monitoring Officer

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## Overview & Scrutiny Panel Chairman's Report to Council

<b>Council</b>	10 September 2020
<b>Report Author</b>	Senior Democratic Services Officer
<b>Status</b>	For Information
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	No
<b>Reasons for Key</b>	N/A
<b>Ward:</b>	Thanet Wide

### Executive Summary:

This report highlights some of the key activities that have been planned for by the Overview & Scrutiny Panel during the course of this municipal year and progress to date regarding implementation of the Panel's work programme.

### Recommendation(s):

Members are invited to discuss and note the report.

### Corporate Implications

#### Financial and Value for Money

There are no financial implications directly arising from this report. The report provides a briefing to Full Council about the current work activities of the Overview & Scrutiny Panel.

#### Legal

There are no legal implications directly arising from this report. A presentation of the Panel Chairman's report to Full Council enables the Chairman to fulfil their duty as is required by the Council's Constitution.

#### Corporate

There are no corporate risks associated with this report. The report enables discussion by Members at Full Council on the activities of the Finance Scrutiny Panel.

The debate on the Panel Chairman's report contributes to open communication across the council. A strong scrutiny function contributes to an open democratic process for decision making and delivery of value for money services as council decisions are interrogated by Members before they are implemented. In instances where such decisions are interrogated after implementation, there will be lessons to learn for future policy development.

## **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 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.

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.

This report relates to the following aim of the equality duty: -

1. To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
2. To advance equality of opportunity between people who share a protected characteristic and people who do not share it
3. To 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**

This report relates to Communities.

### **1.0 Introduction and Background**

- 1.1 At each ordinary Full Council meeting, the Chairman of the Overview and Scrutiny Panel presents a progress update report on the activities of the Panel since the last Council meeting.
- 1.2 Such a report would be subject to comment or debate by Members. This is in accordance with Council Procedure Rule 15.1 of Part 4 of the Council Constitution.
- 1.3 This report updates the Council on the work of the Panel since the last Council meeting and allows for discussion of the work undertaken, therefore strengthening the Council's scrutiny function.
- 1.4 This report follows on from the one presented at Full Council on 9 July 2020. The Panel met once since the last Council meeting.



## 2.0 Current Scrutiny Activities, including Cabinet Member Presentations

### Scrutiny Topics

- 2.1 At the July meeting, the Panel received the list of potential scrutiny topics and agreed that these were going to be prioritised using the matrix that was established and agreed upon by Members. Further discussion still needs to be had to fine tune the topics by identifying the specific problem that Members would like to investigate and the outcomes they would like to achieve as a result of these investigations.
- 2.2 The Panel also agreed to add a topic on the reviewing the proposed considerations for establishing the criteria for reviewing memorial plaques and monuments in the district. Priority would be given to this topic in order to expedite the review process and contribute to the establishment of the policy by Cabinet.
- 2.3 The topics that Members brought up for possible consideration by the Panel are detailed below and are listed in no specific priority order:
1. **Private rented sector:** How does TDC regulate private landlords and letting agencies in Thanet?
  2. **Empty Properties:** Why does Thanet have the highest number of empty properties in Kent and what approaches can be used to put these properties to use in a timely manner?
  3. **Planning enforcement in the district is slow:** Why is the planning enforcement process seemingly so slow in Thanet and how can it be made more efficient?
  4. **Coastal waste clearance:** How does Thanet ensure that its coastal promenades and beaches are kept clear of rubbish and in the best condition for both residents and visitors?
  5. **Street Scene: Abandoned vehicles** - how can TDC speed up time taken to clear abandoned vehicles?
  6. **Selective Licensing** - Is selective licensing the best way forward for the improvement of the private rented sector in Thanet and if so, could it be replicated in other areas of the district?
  7. **Camper Vehicles being parked on the street for too long:** What is the impact of parked Camper vans on the Thanet roads and can this be regulated by Thanet District Council?
  8. **Promenades - safety concerns cyclists speeding and sharing the footpath:** Would a dedicated cycle path (or markings) along the promenade help control bike/ pedestrian placement (and cyclist speed)?
  9. **Replacement bins for litter/dog waste:** What is the council's reasoning behind complete removal of damaged bins and not replacing them?
  10. **Managing anti-social behaviour on Thanet beaches:** Are beach inspectors the best way to control or manage beach behaviour?
  11. **Weed killer usage:** What is the best approach for managing grass and hedges in public open spaces in the district that can be used to replace the use of weed killers?
  12. **Water user group regulation:** What role does TDC have in ensuring the safety of swimmers and other water users from the behaviour of boat and jet ski users in Thanet bays?

13. **Rough Sleepers:** what are we doing about this as a long term plan of addressing the issue (post COVID-19)?
14. **Modern Slavery: - hand car washes.** Is there any intervention the council can do to address the issue of modern slavery?
15. **Statues and Blue Plaques:** What would be the best approach for managing the discussion on and review of suitability of statues and plaques in the district?
16. **Shellfish collection enforcement:** How is the collection of shellfish from Thanet beaches regulated and how can enforcement be best managed?

2.4 Each proposed scrutiny topic has been refined into a specific question and these have then been scored via the approved matrix and the results are in this link: [Scrutiny Review Scoring table](#) and the explanatory notes for the matrix are in this link: [Scrutiny Review Scoring Matrix Notes](#) At the Panel meeting on 27 August 2020, Members confirmed the priority order for implementing the scrutiny reviews.

2.5 In making the decision, the Panel considered the current resource implications resulting from the Coronavirus pandemic as this will have an impact on which the review projects can be taken forward at this time. The implementation for the scrutiny review projects goes beyond this current municipal year.

### **Cabinet Presentations at OSP Meetings**

2.6 The Panel is considering inviting the Leader of Council to discuss the vision moving forward. Members are still to agree on a more appropriate timing for this presentation.

2.7 For the August meeting, two reports were presented by the Deputy Leader of Council and these one-off reports had been been requested by the Panel. These were the:

- a. Draft Empty Homes Plan 2020-23;
- b. Tenant and Leaseholder Service Transition Update.

2.8 The rest of the work programme for 2020/21 is detailed in Annex 1 to the Council report. This schedule is subject to amendments during the course of the year as Members may add more items for reviewing.

2.9 Members may also wish to reflect and comment on the content in Annex 2 which provides an opportunity to review and keep track of the spread of the scrutiny review work, particularly between pre and post decision scrutiny activities.

## **3.0 Panel Recommendations to Cabinet - Implementation Monitoring**

The Panel keeps a watching brief on all the issues in this section, until the executive decisions are fully implemented.

### **Proposal for the disposal of the Dreamland freehold**

3.1 The Panel called-in a Cabinet decision regarding the Dreamland freehold and recommended the following back to Cabinet:

1. That Cabinet seeks three independent valuations for the Dreamland site before an agreement is reached with a buyer, and;

2. Cabinet requests an 18 year housing development restriction in the agreement instead of the proposed 10 years.

3.2 In response Cabinet agreed the following:

1. To authorise another market valuation of the Dreamland site in order to ensure that sufficient breadth of comparable evidence is considered for the sale. Both valuations to be used to demonstrate that best value is obtained.
2. To retain the proposed 10 year housing development restriction on the Dreamland site as agreed by Cabinet on 01 August 2019. Delegated officers to continue the negotiations to explore the suggested extension fully as part of the sale process.

3.3 The Panel is maintaining a watching brief on this matter as the negotiations progress.

### **Adoption of a new Housing Assistance Policy**

3.4 At the July 2019 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 ring-fenced the £405k (Top sliced/payment to KCC projected for 2019/20) for use by Thanet residents”.

3.5 Cabinet forwarded the request to KCC via a letter sent to KCC by the Cabinet Member for Housing and Safer Neighbourhoods on 12 August 2019. The Panel is awaiting a response from KCC.

### **Travellers Review Recommendation**

3.6 After a scrutiny review conducted by a working group, the Panel recommended to Cabinet that “further work be undertaken including extensive public consultation to assess the feasibility and cost implications of establishing temporary tolerated sites in the district.”

3.7 Having considered the Overview and Scrutiny Panel recommendations on 16 December 2019, Cabinet agreed to the following:

“That further work was undertaken to assess the feasibility and cost implications of three temporary tolerated sites in the District, at Potten Street, St Nicholas at Wade, Tivoli Brooks and Ramsgate Port, with a view to using them on a rotational basis”. Members are maintaining a watching brief on the issue.

### **Council Budget Setting 2020/21**

3.8 Members reviewed the 2020/21 Council budget proposals forwarded to the Panel by Cabinet and engaged the Cabinet Member for Financial Services in discussion at the January meeting.

3.9 After some debate, Members made the following recommendation to Cabinet to consider before submitting the budget proposals to Full Council for final decision:

“that Cabinet considers identifying a resource to support coastal projects.”

3.10 Thereafter Cabinet recommended to Council and on 6 February 2020, Members agreed the following:

- a. That subject to funding availability, a resource be identified to support coastal projects.

3.11 The Panel will continue to monitor this issue to check if any progress has been made to secure the funding for coastal projects.

## **4.0 Options**

4.1 Members are asked to comment and note the report.

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

### **Annex List**

Annex 1: Overview & Scrutiny Panel Work Programme for 2020/21  
Annex 2: Record of OSP Pre and Post Decision Reviews for 2020/21

### **Background Papers**

None

### **Corporate Consultation**

**Finance:** Chris Blundell, Director of Finance

**Legal:** Tim Howes, Corporate Director of Governance & Monitoring Officer

Overview & Scrutiny Panel Work Programme for 2020/21		
Meeting Date	Indicative Agenda Items	Issue Source
27 August 2020	Empty Property Action Plan	Housing Services Item
	Tenant and Leaseholder Service Transition Update	Housing Services Item
	Review of the Panel Work Programme 2019/20	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
27 October 2020	Cabinet Member Presentation	Standing Agenda Item
	Review OSP Work Programme for 2020/21	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
24 November 2020	Cabinet Member Presentation	Standing Agenda Item
	Fees and charges 2021-22	Finance Item
	Review OSP Work Programme for 2020/21	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
19 January 2021	Cabinet Member Presentation	Standing Agenda Item
	2021-22 Budget	Finance Item
	Review OSP Work Programme for 2020/21	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
18 February 2021	Cabinet Member Presentation	Standing Agenda Item
	Review OSP Work Programme for 2020/21	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

20 April 2021	Cabinet Member Presentation	Standing Agenda Item
	Review OSP Work Programme for 2020/21	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
25 May 2021	Cabinet Member Presentation	Standing Agenda Item
	Review OSP Work Programme for 2021/22	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

OSP Pre and Post Decision Reviews for 2020/21

Date of scrutiny meeting	Item	Pre-decision	Post Decision	Cabinet Presentation	Work Planning
28/05/19	Establish the Overview & Scrutiny Panel Work Programme for 2019/20				<input checked="" type="checkbox"/>
28/05/19	Corporate Performance Report Quarter 4 2018-19		<input checked="" type="checkbox"/>		
28/05/19	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
18/07/19	Cabinet Member Presentation - The Leader of Council - 'the development work going on and the future of the Ramsgate Port.'			<input checked="" type="checkbox"/>	
18/07/19	Adoption of a new Housing Assistance Policy	<input checked="" type="checkbox"/>			
18/07/19	Reviewing the OSP Work Programme for 2019/20				<input checked="" type="checkbox"/>
18/07/19	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
15/08/19	Proposal for the disposal of the Dreamland freehold		<input checked="" type="checkbox"/>		
27/08/19	Reviewing the OSP Work Programme for 2019/20				<input checked="" type="checkbox"/>
27/08/19	Corporate Statement 2019-2023	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	

27/08/19	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
01/10/19	East Kent Housing Q1 Performance Report for 2019/20		<input checked="" type="checkbox"/>		
01/10/19	TDC Corporate Performance Report for Q1 2019/20		<input checked="" type="checkbox"/>		
01/10/19	Call-in of Individual Cabinet Member decision-Port and Harbour Projects - Variation to 2019/20 Capital Programme		<input checked="" type="checkbox"/>		
22/10/19	Cabinet Member Presentation - Fees & Charges Proposals for 2020/21	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	
22/10/19	Crime Stats for Thanet		<input checked="" type="checkbox"/>		
22/10/19	Reviewing the OSP Work Programme for 2019/20				<input checked="" type="checkbox"/>
22/10/19	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
19/11/19	Draft Housing Strategy 2020-2025	<input checked="" type="checkbox"/>			
19/11/19	EKH Quarterly Performance Report Q2 2019/20		<input checked="" type="checkbox"/>		
19/11/19	Corporate Performance Report Quarter 2 2019-20		<input checked="" type="checkbox"/>		
19/11/19	Review of Unauthorised Traveller Encampment in Thanet - Report back by the Traveller Review Group	<input checked="" type="checkbox"/>			



19/11/19	Review the Overview and Scrutiny Panel Work Programme for 2019/20				<input checked="" type="checkbox"/>
19/11/19	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
21/01/20	Medium Term Financial Strategy (MTFS) 2020-24	<input checked="" type="checkbox"/>			
21/01/20	2020-21 Budget Setting	<input checked="" type="checkbox"/>			
21/01/20	Review the Overview and Scrutiny Panel Work Programme for 2019/20				<input checked="" type="checkbox"/>
21/01/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
20/02/20	Cabinet Member Presentation - The Future of Council Housing Stock Management - An Update Report		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
20/02/20	East Kent Housing Performance Report Q3 2019/20		<input checked="" type="checkbox"/>		
20/02/20	Corporate Performance Report Quarter 3 2019-20		<input checked="" type="checkbox"/>		
20/02/20	Review the Overview and Scrutiny Panel Work Programme for 2019/20				<input checked="" type="checkbox"/>
20/02/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
26/05/20	Thanet Local Plan - Inspectors' Report (Reg 25) And Adoption (Reg 26)	<input checked="" type="checkbox"/>			

26/05/20	Review the Overview and Scrutiny Panel Work Programme for 2019/20				<input checked="" type="checkbox"/>
26/05/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
21/07/20	Cabinet Member Presentation - Beach Management Plan		<input checked="" type="checkbox"/>		
21/07/20	Procurement of Lift refurbishment Programme and External Repairs and Decorations Programme	<input checked="" type="checkbox"/>			
21/07/20	Criteria for any Review of Street and Building Names and other Monuments	<input checked="" type="checkbox"/>			
21/07/20	Call-in of an Individual Cabinet Member Decision - Memorial Plaque in Broadstairs		<input checked="" type="checkbox"/>		
21/07/20	Review the Overview and Scrutiny Panel Work Programme for 2020/21				<input checked="" type="checkbox"/>
21/07/20	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>

## General Fund Budget Monitoring Report No.1 2020-21

<b>Meeting</b>	10 September 2020
<b>Report Author</b>	Tim Willis, Deputy Chief Executive & S151 Officer
<b>Portfolio Holder</b>	Cllr Rob Yates, Finance, Administration and Community Wealth Building
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	Budget and Policy Framework
<b>Reasons for Key (if appropriate)</b>	Expenditure not in budget and exceeding virement rules
<b>Previously Considered by</b>	Cabinet 30 July 2020
<b>Ward:</b>	All

### Executive Summary:

This report provides a 2020-21 budget monitoring report for General Fund revenue and capital, reflecting the latest forecasts in light of Covid-19. It incorporates provisional figures for 2019-20. Cabinet on 30 July 2020 received a report covering similar ground to this, with a view to making recommendations to Council.

### Recommendation(s):

That Council approves:

- (i) The General Fund revenue budget 2020-21 forecast position.
- (ii) The General Fund Capital Programme 2020-21 forecast position.
- (iii) The proposals to fund the budget gap created by Covid-19.

### Corporate Implications

#### Financial and Value for Money

The financial implications have been reflected within the body of the report. Covid-19 has had a dramatic financial effect on all of local government, and Thanet's reserves were relatively low before Covid-19. Overall, the financial impact is estimated at £5.6m on the council's General Fund. Some £1.8m of Government funding has so far been received. The Government announced a further tranche of funding and this has been tentatively estimated at £0.8m leaving a budget gap of approximately £3m. Difficult decisions need to be made to

identify reserves to bridge this gap. If estimates of costs and income loss prove to be too low, and/or estimates of future Government funding prove to be too low, there may need to be further reports to Cabinet/Council on the implications.

The Section 151 Officer needs to be confident that the impact of Covid-19 and the impact of drawing upon reserves does not leave the council exposed to too high a risk of financial failure. He also needs to be confident that the council will agree a budget for 2021-22 and Medium Term Financial Strategy for 2021-25 that replenishes reserves, which will also involve difficult decisions. Members need to take the decisions proposed in this report, or decisions that deliver the same level of funding, in order to provide sufficient confidence to the Section 151 Officer.

Although this report addresses 2020-21 budget problems, the 2021-22 position is beginning to be formulated. Government funding intentions are unknown in many respects, but we know that the council faces financial pressures. These will relate to the residual and ongoing impact of both expenditure and income of Covid-19; plus the outstanding need to take management action, not completed because of the pandemic, that was intended to bridge the 2020-21 budget gap; plus the need to formulate plans to replenish reserves being used this year.

## **Legal**

Section 151 of the 1972 Local Government Act requires a suitably qualified named officer to monitor and control the Council's finances in order to provide a balanced budget.

## **Corporate**

Corporate priorities can only be delivered with robust finances and this report gives Members the opportunity to review the Council's current position.

## **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 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.

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.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities.

## 1.0 General Fund – Provisional Outturn 2019-20

1.1 The General Fund covers all income and expenditure included in the day-to-day running of the council's services. The budget monitoring report for quarter 3 reported an overspend of approximately £860k. Table 1 below summarises the current projected General Fund outturn position, it does not include corporate recharges and other technical accounting adjustments. It should be noted that the figures are still provisional - the draft accounts will not be complete until the end of August.

**Table 1: 2019-20 Provisional Outturn and Quarter 3 Monitoring**

Function	2019-20 Budget £'000	2019-20 Forecast Qtr 3 £'000	2019-20 Variance Qtr 3 £'000		2019-20 Provisional Outturn £'000	2019-20 Variance to Qtr 3 £'000
Chief Executive	368	368	0		0	0
Deputy Chief Executive and s151 Officer	7,653	7,623	(30)	See paragraph 2.1	(100)	(70)
Corporate Governance	1,124	1,806	682	See paragraph 2.2	713	31
Operations and Commercialisation	4,916	5,124	208	See paragraph 2.3	(108)	(316)
Corporate Budgets	2,539	2,539	0		0	0
<b>Total Net Expenditure</b>	<b>16,600</b>	<b>17,460</b>	<b>860</b>		<b>505</b>	<b>(355)</b>

## 2.0 General Fund provisional outturn and explanation of change to Q3 monitoring:

### Deputy Chief Executive and s151 Officer

2.1 A provisional outturn figure of £100k underspend (£70k more underspent than Q3):

- (i) **Financial Services** - A change in practice for how the council accounts for the annual leave that is owed to or from employees at the end of the financial year has resulted in a one-off £66k underspend against this budget.

### Director of Corporate Governance

2.2 A provisional outturn figure of £713k overspend (£31k more overspent than Q3):

- (i) **Whole Service** - In most instances, provisional outturn is in line with the Q3 monitoring position.

**Director of Operations and Commercialisation**

2.3 A provisional outturn figure of £108k underspend (£316k more underspent than Q3):

- (i) **Open Spaces** - This area was underspent by £68k more than reported in Q3 resulting from general underspends and additional vacancy savings, this is after covering an overspend on Cemeteries and Crematorium not identified in Q3.
- (iii) **Safer Neighbourhoods** - This area was underspent by £106k more than reported in Q3. This comprised events (£7k), sports development (£2k), community safety (£43k), public protection (£44k) and Grants (£22k), offset by an underachievement of income in licensing of £12k.
- (iv) **Port and Technical Services** - A provisional outturn underspend of £53k against the Q3 budget monitoring position due to additional income above projections of £284k, offset by the 2019-20 cost of animal exports of £196k and other minor variances.
- (v) **Coastal Tourism** - An additional underspend of £19k compared to the Q3 monitoring position.
- (vi) **Enforcement Services** - Off Street parking provisional outturn shows increased income of £70k over Q3.

**2.4 Provisional reserves at 1 April 2020**

Taking into account the provisional outturn figures above, reserves balances at the 2019-20 year-end are £2m unallocated and £12.452m earmarked. This represents a £1.35m net increase during the year due to the following:

**Table 2- Reserve Movements**

	£'000	£'000
<b>Recurring Reserve Movements (Planned)</b>		
Thanet Lottery	(21)	
EK Services surplus	(56)	
Equalisation (NNDR/HB)	(280)	
IT Slippage	(75)	
Capital Projects	(455)	
Crematorium / Cemeteries	(132)	
Risk management	(49)	

Decriminalisatoin (off-street) parking	(175)	
Training	(36)	
<b>Total planned contributions to reserves</b>		<b>(1,279)</b>
Repairs	39	
VAT	5	
Election	55	
Homelessness	17	
Local Plan	100	
Dreamland	29	
Coastal maintenance	21	
<b>Total planned contributions from reserves</b>		<b>266</b>
<b>Net planned contributions to reserves</b>		<b>(1,013)</b>
<b>In year Reserve Movements (unplanned)</b>		
DCLG COVID grant funding	(89)	
Maritime	(110)	
Non-ringfenced grants	(114)	
Waste and recycling	(107)	
<b>Total unplanned contributions to reserves</b>		<b>(420)</b>
Strategic reserve	54	
Priority Improvement reserve	29	
<b>Total unplanned contributions from reserves</b>		<b>83</b>
<b>Net unplanned contributions to reserves</b>		<b>(337)</b>
<b>Net increase in reserves</b>		<b>(1,350)</b>

### 3.0 General Fund – Revenue Forecast 2020-21

- 3.1 The Cabinet report of 30 July broke down the 2020-21 forecast into two components: the forecasts based on budget holder predictions, plus additional strategic information known by Corporate Management Team. For simplicity, this report combines and updates the two.

- 3.2 Last year, the monitoring position was used to inform the 2020-21 budget. Some elements of the 2019-20 income shortfalls were assumed to continue into 2020-21 and were funded in 2020-21 by being built into the budget gap. The assumption was that management action would be taken to reduce the in-year income shortfalls and deliver the 2020-21 budget. The 2020-21 General Fund budget of £17.068m was agreed at the Council meeting on 6 February 2020. It incorporated £730k of savings proposals to bridge the funding gap. As a result of Covid-19, some of these areas will struggle to bridge the gap. This implies that even without the direct financial impact of Covid-19, there are still inherent pressures on the underlying budget which could materialise this year, even if circumstances quickly return to normal.
- 3.3 The council is facing unprecedented challenges this year as a result of Covid-19. Throughout this financial year, managers have been estimating the financial impact of the restrictions and initiatives that have been implemented in response to the Covid-19 pandemic. Government support will be essential to delivering a balanced position for this council. So far, there has been £1.829m of emergency funding and at the time of writing, a promise of further funding for some income loss. Any residual cost will rely on reserves for remedy, but the council's reserves were already comparatively low before Covid-19, so this places the council at further financial risk.
- 3.4 Table 3 below summarises the current projected General Fund spending position based on forecasts from budget holders and other projected costs of Covid-19.

**Table 3 - General Fund - Forecast against Budget 2020-21**

Function	2020-21 Budget £'000	2020-21 Forecast £'000	2020-21 Variance £'000	
Chief Executive	399	399	0	
Deputy Chief Executive and s151 Officer	7,664	9,824	2,160	See paragraph 4.1
Corporate Governance	1,315	2,634	1,319	See paragraph 4.2
Operations and Commercialisation	5,140	6,994	1,854	See paragraph 4.3
Other fees and charges		347	347	See paragraph 4.4
Corporate Budgets	2,550	2,550	0	
<b>Total Net Expenditure</b>	<b>17,068</b>	<b>22,748</b>	<b>5,680</b>	

**4.0 General Fund detail by Directorate/Department:**

**Deputy Chief Executive and s151 Officer**

- 4.1 A potential overspend £2,160k is currently forecast:



- (i) **Housing Needs £265k** - Following the introduction of The Homelessness Reduction Act, the council invested in new homelessness prevention services, which has had the impact of reducing the use and the cost of temporary accommodation. The number of households in temporary accommodation has reduced from 188 in April 2018 to 60 at the end of June 2020. This work has continued during the Covid-19 lockdown and a national ban on evictions has further helped reduce the need for temporary accommodation. The evictions ban ended on 23 August 2020 and there is a significant risk that we will see a spike in the number of applications as cases work through the courts. A spike in casework would lead to an increase in costs, beyond those projected in this report. The service is currently forecast to overspend by £153k. Additionally, Covid costs associated with rough sleeping are estimated to be £112k.
- (ii) **Communications and Digital £20k** - Additional cost of communication to residents and support and development of the 'remote TOM' website necessary in light of Covid-19 of £20k.
- (iii) **Planning fee income £100k** - although income is holding up at the moment, Covid-19 is estimated to lead to a £100k shortfall for the year.
- (iv) **Council Tax income £1m** - The wider economic impact of Covid is expected to lead to increasing levels of debt, as furloughing ends and unemployment rises. This is anticipated to lead to non-payment of Council Tax due, plus an increase in the cost of Council Tax Support, leading to a total loss of £1m.
- (v) **Business Rates income £600k** - The wider economic impact of Covid is expected to lead to an increase in business failures and an increase in non-payment of Business Rates due, estimated at £600k.
- (vi) **Internal borrowing cost £175k** - Internal borrowing had been planned, and formed part of the 2020-21 budget, which would have saved £175k in interest. In order to protect the council's cash position, this was no longer possible.

## Director of Corporate Governance

4.2 An overspend of £1,319k is currently forecast:

- (i) **Property income £258k** - To address previous years' budget shortfalls, work has commenced to look at the current portfolio, the age and condition of stock as well as market forces that are impacting rentals. However the outcome of this review is likely to be impacted by Covid-19, resulting in fewer disposals, slower review of rentals and less new take up. Additionally, there is the possibility of non-payment of rent arising from business failure. Current projections assume a loss of income of £258k against budget.
- (ii) **Building control £329k** - is currently reporting an adverse position of £329k, mainly due to forecast income being below budget, as a result of a combination of an underlying lack of fee-earning staff and Covid-19.

- (iii) **Land Charges £242k** - currently reporting an adverse position of £242k against budget. A review of the service has been completed to address prior year budget deficits, however, reduced income as a result of Covid-19 has undermined this work.
- (iv) **Facilities Management £60k** - currently reporting a net overspend of £60k as a result of the purchase of PPE. There is also £56k income loss from vacant units at the Kent Innovation Centre (KIC) and a reduction in income for Dickens House, offset by £56k savings associated with leasing costs.
- (v) **Dreamland car park £270k** - as with other car parks, income loss of £270k is forecast for the year.
- (vi) **Your Leisure £160k** - the council's leisure trust, Your Leisure, is facing a substantial shortfall in its income and is struggling, as are all leisure trusts. The council has paid its management fee for the year up front, and has paid an additional £160k related to a previously agreed saving in the management fee that will not be achieved. Ongoing discussions are taking place with Your Leisure which could lead to further demands on the council's finances.

## Director of Operations and Commercialisation

4.3 An overspend of £1,854k is currently forecast:

- (i) **Domestic Waste Collection £284k** - An overspend of £200k as a result of Covid-19 including an increased need for agency staff to ensure service delivery, combined with a £62k income shortfall resulting from KCC reducing its enabling payment to facilitate the recycling and waste service, plus additional costs of £22k for additional vehicle hire whilst clearing a backlog of MoTs.
- (ii) **Toilets £51k** - Additional costs of toilet cleaning and security of £51k.
- (iii) **Clinical Waste £20k** - forecast net income of £20k for clinical waste will not be achieved this year due to Covid-19.
- (iv) **Coastal Development £52k** - the income target for this service area may not be achieved, to the extent of £52k. Work will be undertaken within the service to try to find compensating savings, however it is unlikely that the shortfall in income will be balanced by savings this year due to other pressures.
- (v) **Licensing Income £109k** - the income target is unlikely to be met due to the impact of Covid-19 on customer demand for the service, leading to a £109k shortfall. Work will continue to try to manage this impact.
- (vi) **Safer Neighbourhoods £112k** - the cost of establishing community network/ community team, possible enforcement changes and public health £112k.

- (vii) **Off Street Parking £805k** - Income is down compared to budget, this could see an impact of £385k off-street parking income loss and a £420k income loss for on-street parking.
- (viii) **Port and Technical Services £421k** - Income is projected to be down compared to budget, this could see an impact of £421k as a result of Covid across the Port and Harbour.

4.4 There is an estimated income shortfall in other fees and charges not listed above of £347k. This has been arrived at by assuming one month's loss of income across all fees and charges income not specified above. This, as well as all fees and charges income will be subject to further detailed work over the next few months, to refine the forecasts.

## 5.0 Size of the gap and how to address it

- 5.1 The current gap, or overspend, is £5.6m, offset by £1.8m of Government funding received to date, so a £3.8m gap. The Government has announced further funding of 75% of income losses from sales, fees and charges, where these losses are greater than 5% of the council's planned income receivable. The principles behind the methodology for calculating this further funding have now been released, with the first return due to the MHCLG by the end of September. We continue to estimate funding to be in the region of £800k, leaving a net estimated gap of approximately £3m.
- 5.2 The Government has also given an ability for councils to spread any collection fund deficits in 2020-21 over 3 years; and an undertaking that in the next Spending Review, the Government will "determine what support councils need to help them meet the pressures of income loss from council tax and business rates".

## 6.0 How to address the budget gap

- 6.1 Some of the gap may have arisen even without Covid-19, but it is difficult to separate overspends/income shortfalls arising due to non-Covid or Covid factors. It is reasonable, at this stage, to assume the immediate financial impact of Covid-19 will be contained within 2020-21. Any ongoing effects will be picked up in the 2021-22 budget process and 2021-25 Medium Term Financial Strategy. The current year's £3m is assumed to be one-off, and to be funded from reserves, rather than an ongoing budget problem (which would have to be funded from service reductions and/or increased fees and charges).
- 6.2 The size of the potential gap is so large that there is the possibility of a S114 Notice - this is when the Section 151 Officer informs the council that it is going to run out of reserves, or that its expenditure plans exceed its income, and results in freezing non-essential expenditure. Arrangements for issuing S114 Notices have been temporarily changed at the moment: if a S151 Officer believes a S114 Notice may be required, s/he should first notify the MHCLG. A S114 Notice is not planned for Thanet at the moment.

- 6.3 The difficulty with removing such a large sum from reserves is that it will cancel projects and expose the council to financial risk. If the Government's funding package then exceeds expectations, and/or our estimates of expenditure/income loss turn out to be too pessimistic, we may be able to bring a further report to members to adjust reserves accordingly.
- 6.4 The situation is still very difficult to assess and officers across the council have tried their best to arrive at reasonable estimates of additional expenditure and loss of income from sales, fees and charges. However, in some cases, the expenditure is still yet to be incurred, or the fees income is still yet to be lost. To manage this situation, it is proposed to:
- Allocate some of the income losses to specific earmarked reserves, which are specifically designed to accommodate fluctuations. This would cover losses on Council Tax and Business Rates (Equalisation Reserve), on-street parking income (Decriminalisation Reserve) and Dreamland parking income (Dreamland Reserve).
  - Fund all expenditure incurred or committed by transferring reserves to appropriate budgets.
  - Hold in a 'Covid-19 Shortfall' reserve sufficient to cover predicted expenditure and income losses from sales, fees and charges arising due to Covid-19. Once it can be seen that the loss has materialised, budgets can be adjusted. This will avoid the situation where an expenditure budget is increased or an income budget is reduced, based on current predictions of losses, by transferring funding from reserves; but the impact in practice isn't as adverse as previously thought.

This Covid-19 Shortfall reserve will be managed by the S151 Officer in consultation with the Leader and finance portfolio holder.

## **7.0 Options and how others are managing the situation**

- 7.1 These issues have been discussed at length amongst S151 Officers nationally; they have also been discussed at a more detailed level across Kent S151 Officers. Before Covid-19, Thanet had the lowest level of relative reserves in Kent, so we were not starting from a position of strength. Other districts were holding substantial unallocated reserves, or "soft" reserves earmarked for corporate priorities, but with no firm plans as to how the funds would be spent. This was not the case for TDC.
- 7.2 Some common approaches amongst Kent districts are as follows:
- Fast-track HQ office moves, downsizing on the back of new ways of working and investment in digital/cloud.
  - Reviewing the capital programme to remove anything funded from revenue, or with adverse revenue implications.
  - Freeze, or partially freeze recruitment.
  - Move to becoming a cashless council/a council with no/minimal face to face interaction - with the closure of customer service centres for many months, some will not reopen.

- Generate significantly more income from green waste collections - this is already occurring across Kent.
- Increase unallocated reserves - Covid has shown that most councils have inadequate levels of unallocated reserves in the event of an issue such as a pandemic, and some are looking to increase them and reduce earmarked reserves.

## 8.0 Proposals to fund the gap

8.1 It is proposed that the criteria to identify reserves to be used to fund the Covid gap are set out below:

1. Protection of the council's overall financial position taking into account current and future risks.
2. A specific contractual commitment is to be funded from the reserve.
3. Use of the reserve is already built into the budget.
4. Use of the reserve is subject to a political commitment.
5. The reserve represents a savings pot to be spent on a periodically occurring future event.
6. The reserve is restricted in what it can be used for, but it could be used to fund essential recovery activity within the permissible use.
7. The reserve can be matched directly to a Covid-19 cost/income loss.

8.2 Reserves are set out in Annex 1, together with their proposed identification to fund the £3m. These are difficult decisions to make, but there are interactions between reserves that can help - for example, the Destination Management reserve is proposed to be used, but the Business Rates Growth reserve could be used to fund some projects that would otherwise have been funded from destination management, i.e. those that generate growth in the business rates base.

## 9.0 General Fund Capital Programme – Forecast 2020-21

9.1 The council's 2020-21 revised General Fund capital programme of £23.23m (£23.10m as per annex 2 + £0.13m flexible use of capital receipts) is expected to be underspent by £6.478m.

9.2 **Annex 2** shows that £1.39m has been currently committed against this year's budget. It also shows the following key changes to the revised programme:

- Budgets remaining for the following projects, which have all now finished, are removed: Digital Parking, End User Computing Refresh of Devices, CCTV, Automatic Cremator Charging Equipment, Replace Pontoon Piles.
- Upgrade of Western and Eastern Amenity Blocks: Scope of scheme reduced to one Amenity block given budget available.
- £30k budget for Broadstairs Flood and Coast Protection Scheme moved from Capital to Revenue.
- £750k budget added for Westbrook Promenade Infrastructure Improvements, for continued protection from coastal erosion, dependent upon external funding being granted.

- The following schemes may be slipped to 2021-22 if no expenditure is incurred: Housing company £1m, Parkway Station £2m, Public Toilet refurbishment £0.750m and Office Accommodation £3m.

9.3 Changes may be required to the capital programme to reflect the impact of Covid-19. This may involve the removal of some uncommitted projects and inclusion of projects to help mitigate its impact. This will be reported before the end of the year.

Contact Officer: Chris Blundell, Director of Finance  
Reporting to: Tim Willis, Deputy Chief Executive and S151 Officer

## **Annex List**

Annex 1: Provisional Reserves at 1 April 2020 and their proposed use  
Annex 2: GF Capital Programme 31 May 2020-21

## **Background Papers**

Cabinet 30 July 2020: Budget Monitoring Report No.1, 2020-21  
Budget monitoring papers held in Financial Services

## **Corporate Consultation**

**Finance:** N/A

**Legal:** Estelle Culligan, Head of Legal and Democratic Services

		1	2	3	4	5	6	7		ANNEX1	
	Provisional Reserve 1/4/20	Protecting financial position	Contractual commitment	Already built into budget	Political commitment	Savings pot	Potential of use for Recovery	Matched to a Covid loss	Reserves not specifically earmarked	Reserves proposed to fund gap	Balance of reserve
	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000	£000
CORONAVIRUS SHORTFALL RESERVE	89	89							0		89
THANET LOTTERY RESERVE	38				38				0		38
HOUSING INTERVENTION RESERVE	448			300					148		448
EK SERVICES RESERVE	138			138					0		138
MARITIME RESERVE	136								136	136	0
BUSINESS RATES GROWTH RESERVE	2,270		2000				270		0		2,270
EQUALISATION RESERVE	2,145	545						1600	0	1600	545
INFORMATION TECHNOLOGY RESERVE	378								378	150	228
UNRINGFENCED GRANTS RESERVE	393			233					160	160	233
GF REPAIRS RESERVE	401			80					321		401
VAT RESERVE	53	53							0		53
CAPITAL PROJECTS RESERVE	1,319			1,319					0		1,319
STRATEGIC RESERVE	220		36						184	92	128
WASTE RESERVE	112								112	62	50
CREM/CEMETERIES WORKS RESERVE	499					499			0		499
RISK MANAGEMENT RESERVE	1,770	1,770							0		1,770
DECRIM RESERVE	1,151			731				420	0	420	731
COUNCIL ELECTION RESERVE	0					0			0		0
HOMELESSNESS RESERVE	261		20						241		261
PRIORITY IMPROVEMENT RESERVE	39		20						19	19	20
LOCAL PLAN (LDF)	101					101			0		101
PAY AND REWARD RESERVE	28								28	28	0
DREAMLAND RESERVE	218							218	0	218	0
DESTINATION MANAGEMENT RESERVE	114								114	114	0
TRAINING RESERVE	111								111	51	60
COASTAL MAINTENANCE RESERVE	21								21		21
	12,453	2,457	2,076	2,801	38	600	270	2,238	1,973	3,050	9,403
GENERAL FUND BALANCE	2,011	2,011									2,011

Annex 1

Agenda Item 11

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**ANNEX 1 - General Fund Capital Programme 31 May 2020**

Capital Programme 2020-21	Original Capital Budget 2020-21 (incl balances b/f from 19-20) £	Additions / Removals £	Revised Capital Budget 2020-21 to Cabinet 30 July 2020 £	Estimated Outturn £	Variance Overspend / (Underspend) £	Committed Spend to 31 May 2020 £	Comments
<b>Deputy Chief Executive (incl East Kent Services)</b>							
Housing Assistance Policy (Disabled Facilities Grants)	4,080,793		4,080,793	4,080,793	0	205,197	
Housing Company	1,000,000		1,000,000	0	-1,000,000	0	
Margate Housing Intervention - Loan scheme	50,000		50,000	50,000	0	0	
Housing Assistance Policy (Winter Warmth Grants)	822		822	822	0	0	
Housing Assistance Policy (additional support for home owners and private sector landlords)	353,621		353,621	353,621	0	0	
Digital Parking	17,443	-17,443	0	0	0	0	Project finished
Homelessness Accommodation	1,111,326		1,111,326	1,111,326	0	7,688	
End User Computing Refresh of Devices	2,802	-2,802	0	0	0	0	Project finished
IT Infrastructure	303,928		303,928	303,928	0	0	
<b>Total</b>	<b>6,920,735</b>	<b>-20,245</b>	<b>6,900,490</b>	<b>5,900,490</b>	<b>-1,000,000</b>	<b>212,885</b>	
<b>Corporate Governance</b>							
Dreamland	435,667		435,667	435,667	0	113,023	
Dreamland Car Park Enhancement	147,438		147,438	147,438	0	0	
New Air Conditioning for Server Room	110,000		110,000	110,000	0	106,984	
Parkway Railway Station	2,000,000		2,000,000	0	-2,000,000	0	
Public Toilet Refurbishment	750,000		750,000	0	-750,000	0	
Office Accommodation	3,000,000		3,000,000	0	-3,000,000	0	
Property Enhancement Programme	160,000		160,000	160,000	0	0	
<b>Total</b>	<b>6,603,105</b>	<b>0</b>	<b>6,603,105</b>	<b>853,105</b>	<b>-5,750,000</b>	<b>220,007</b>	
<b>Operational Services</b>							
Replacement of Lead Lights at Port	80,000		80,000	80,000	0	0	
Westbrook Promenade Infrastructure Improvements	0	750,000	750,000	750,000	0	0	Intended for this project to be externally funded
School Gate Safety Enforcement Partnership	107,500		107,500	107,500	0	0	
CCTV	338	-338	0	0	0	0	Project finished
Ramsgate Harbour Sluice Gate	75,000		75,000	75,000	0	0	
Port of Ramsgate - Fuel Barge Access Ramp	25,000		25,000	25,000	0	0	
Automatic Cremator Charging Equipment	140	-140	0	0	0	0	Project finished
Welfare Unit for Margate Cemetery	35,000		35,000	35,000	0	0	
Ellington Park	1,412,142		1,412,142	1,412,142	0	200,861	
Pontoon Decking Improvements	106,907		106,907	106,907	0	19,995	
West Breakwater Replacement	142,837		142,837	142,837	0	138,709	
Upgrade of Western and Eastern Amenity Blocks	69,024		69,024	69,024	0	2,674	Intended to be only one Amenity Block now, given budget available
Manston and Dane Park Depot Improvements	55,908		55,908	55,908	0	36,150	
Replace Pontoon Piles	606	-606	0	0	0	0	Project finished
Ramsgate Port - Berth 2/3 & 4/5 Replacement	1,474,681		1,474,681	1,474,681	0	17,680	
Vehicle & Equipment Replacement Programme	2,993,720		2,993,720	2,993,720	0	499,512	
Memorials for Children's Area in Margate Cemetery	1,806		1,806	1,806	0	1,440	
In-Cab System	4,250		4,250	5,700	1,450	5,700	

**ANNEX 1 - General Fund Capital Programme 31 May 2020**

Capital Programme 2020-21	Original Capital Budget 2020-21 (incl balances b/f from 19-20) £	Additions / Removals £	Revised Capital Budget 2020-21 to Cabinet 30 July 2020 £	Estimated Outturn £	Variance Overspend / (Underspend) £	Committed Spend to 31 May 2020 £	Comments
Ramsgate Flood and Coast Protection Scheme	166,513		166,513	166,513	0	0	
Ramsgate Harbour Utilities Supply Upgrade	78,076		78,076	78,076	0	14,540	
Westbrook to St Mildred's Sea Wall Work	600,000		600,000	600,000	0	0	
Ramsgate Harbour Railings	71,953		71,953	71,953	0	0	
Broadstairs Flood and Coast Protection Scheme	30,000	-30,000	0	0	0	0	Budget moved from Capital to Revenue
Louisa Bay to Dumpton Gap Sea Wall Work	1,000,000		1,000,000	1,000,000	0	0	
Ramsgate Harbour: Additional Self Storage Containers	30,000		30,000	30,000	0	8,520	
Westbrook Groyne and Sea Wall	6,712		6,712	6,712	0	0	
Sea Wall Refacing - Minnis Bay to Grenham Bay	11,867		11,867	11,867	0	4,022	
Harbour Gate & Bridge	5,013		5,013	5,013	0	2,657	
Broadstairs Play Area Enhancement	158,504		158,504	158,504	0	0	
Skatepark	59,487		59,487	59,487	0	0	
<b>Total</b>	<b>8,802,985</b>	<b>718,916</b>	<b>9,521,901</b>	<b>9,523,351</b>	<b>1,450</b>	<b>952,461</b>	
<b>Total Programme</b>	<b>22,326,825</b>	<b>698,671</b>	<b>23,025,496</b>	<b>16,276,946</b>	<b>-6,748,550</b>	<b>1,385,354</b>	
Capital Salaries	75,000		75,000	75,000	0	0	
<b>Grand Total</b>	<b>22,401,825</b>	<b>698,671</b>	<b>23,100,496</b>	<b>16,351,946</b>	<b>-6,748,550</b>	<b>1,385,354</b>	

Funded By	Original Capital Budget 2020-21 (incl balances b/f from 19-20) £	Additions / Removals £	Revised Capital Budget 2020-21 to Cabinet 30 July 2020 £
Revenue and Reserves	2,966,193		2,966,193
Capital Receipts	6,563,661	- 21,329	6,542,332
Prudential Borrowing	5,220,097		5,220,097
External Funding	7,651,874	720,000	8,371,874
<b>Total</b>	<b>22,401,825</b>	<b>698,671</b>	<b>23,100,496</b>

## Housing Revenue Account Budget Monitoring Report No.1 2020-21

<b>Meeting</b>	10 September 2020
<b>Report Author</b>	Tim Willis, Deputy Chief Executive & S151 Officer
<b>Portfolio Holder</b>	Cllr Rob Yates, Finance, Administration and Community Wealth Building
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	Budget and Policy Framework
<b>Reasons for Key (if appropriate)</b>	Expenditure not in budget and exceeding virement rules
<b>Previously Considered by</b>	Cabinet 30 July 2020
<b>Ward:</b>	All

### Executive Summary:

This report presents a revised 2020-21 budget and 2020-24 capital programme for the Housing Revenue Account as a result of the impact of Covid-19 and the reintegration of East Kent Housing as well as narrative on the current monitoring position and 2019-20 Provisional Outturn.

### Recommendations:

That Council agrees:

1. To note the HRA 2020-21 budget monitoring position;
2. To approve the revised HRA budget estimates for 2020-21;
3. To approve the revised Housing Revenue Account capital programmes (Annex 1) for 2020-24;
4. To note the Section 151 Officer's Assurance Statement as set out in section 10 of this report;
5. To note the 2019-20 HRA Provisional Outturn position and capital programme outturn (Annex 2).

### Corporate Implications

### Financial and Value for Money

The financial implications have been reflected within the body of the report.

## **Legal**

Section 151 of the Local Government Act 1972 requires a suitably qualified named officer to keep control of the council's finances. For this council, this is the Deputy Chief Executive and this report is helping to carry out this function. The requirements of other relevant statutes have been referenced within the body of this report, where relevant.

## **Corporate**

Corporate priorities can only be delivered with robust finances. Both the draft budget and the level of reserves recommended in this report are believed to be sufficient to contribute towards meeting those priorities and to deliver services.

## **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 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.

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.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities.

### **1. INTRODUCTION**

- 1.1 Cabinet agreed to bring the Tenant and Leaseholder services function in house from East Kent Housing (EKH). This report seeks to revise the 2020-21 Housing Revenue Account (HRA) budget to take into account the necessary budgetary changes as a result of that decision as well as adding additional monies in relation to compliance and Covid-19.
- 1.2 The report also represents the first budget monitoring report to reflect the impact of Covid-19 on the HRA.

### **2. BACKGROUND**

- 2.1 EKH was created in 2011 by the four East Kent districts in order to provide Tenant and Leaseholder services for each of the respective client councils' housing stock.

- 2.2 A number of failures on the part of EKH led to an improvement plan being approved by Cabinet in January 2019 and subsequently being introduced. Additional failures led to a Cabinet report on 17 October 2019 which agreed that subject to consultation, the preferred option was to bring the Tenant and Leaseholder service in house.
- 2.3 The main reasons to bring the service in house were:
- Long term and increasing failures to deliver the council's capital programme.
  - Failure to deliver improvements set out in the Improvement Plan agreed in January 2019.
  - Significant failures to comply with statutory health and safety requirements.
- 2.4 And more recently, consultants commissioned by Thanet District Council concluded that the East Kent Housing model is fundamentally broken.
- 2.5 Cabinet considered the outcome of the consultation on 17 February 2020 and agreed to implement the preferred option. The report to Cabinet highlighted the need to move to a delivery model that could address the performance issues that had been identified and, in accordance with the views expressed during the consultation, implement a new, improved tenant and leaseholder service that is more accountable to the needs of residents.
- 2.6 EKH will continue to deliver the Tenant and Leaseholder service until 1st October 2020 when the service will be brought in house.
- 2.7 The HRA budget was originally agreed by Council on 6 February 2020 and this requested members approve a budget based on the on-going management fee being paid to EKH.
- 2.8 However as services and staff (where possible) are to transfer to the client Council an adjustment to the 2020-21 budget is required to take account of the increased costs of the service.
- 2.9 Covid-19 has had a significant effect on the housing service and on the HRA. It is still too soon to know the extent of the impact, but this report provides for projections that are reflected in the monthly MHCLG returns. These estimate that housing rent income will be £630k below budgeted income this year.

### **3.0 Housing Revenue Account Budget Monitoring - May 2020**

- 3.1 Covid-19 is presenting challenges within the HRA. The main impact is an increase in rent arrears caused by the potential loss of income to Council tenants as a result of the pandemic. The increase in rent arrears is forecast to be as much as £622k. By the end of May rent arrears had increased by £73k over the rent arrears increase in the prior year, although the increase in arrears is starting to slow.

This increase could be attributed to a number of factors including changes and timing of Universal Credit payments and so to estimate the true impact of Covid-19 is

almost impossible at this stage. A revision to the bad debt provision is therefore proposed as highlighted in the changes to the HRA budget.

Due to the delays experienced in completing the new build/intervention properties due to Covid-19, a delay is also forecast in the receipt of affordable rents associated with these properties. Currently it is forecast that lower voids associated with social rents will offset the impact of a delay in rent received for these properties in 2020-21.

Other impacts to the HRA have included a greater period when properties are void and are awaiting works due to contractors not being available and alternative suppliers being required to undertake lift inspections, however the impact of these is minimal at the moment and are being covered from within existing budgets.

#### **4.0 Housing Revenue Account Capital Monitoring - May 2020**

- 4.1 Due to construction companies ceasing works during the Covid-19 pandemic, all of the new build and intervention schemes are experiencing completion delays. This has had not only a knock on effect to tenants moving into the properties, but has also meant that the use of 1-4-1 capital receipts could not be achieved by the original deadlines resulting in a risk of repayment to the government.
- 4.2 The Council has been in discussions with the government about adjusting these expenditure targets and the government has now allowed authorities to slip two quarters expenditure targets to the end of December 2020.
- 4.3 Covid-19 has also had a detrimental effect on the rest of the HRA Capital Programme. Not only because of the contractor delays, but also because many vulnerable tenants aren't allowing access to properties to undertake works.
- 4.4 However the true slippage on all programmes won't fully be known until later in the financial year once discussions with contractors are at an advanced stage and the impact on supply chains is fully assessed.

#### **5.0 Housing Revenue Account Revenue Budget**

- 5.1 The council's responsibilities in respect of the need to keep a Housing Revenue Account (HRA) are contained within Section 74 of the Local Government and Housing Act 1989 ('The Act') and its use is heavily prescribed through statute. The HRA records all of the revenue expenditure and income relating to land, dwellings and other buildings provided under Part II of the Housing Act 1985 and corresponding earlier legislation. It must be separate from the General Fund Revenue Account and therefore is to all intents and purposes ring-fenced. Although the HRA for an individual year may result in a deficit, it is a requirement of 'The Act' that overall it must maintain a surplus, which means that expenditure must be carefully planned to remain within the limits of the anticipated income streams over the medium term.
- 5.2 The Housing Revenue Account Business Plan sets out the main strategic priorities for investment in homes and services over the long term. The draft strategic priorities, set out below, have been prepared as part of the review of HRA budgets ready for the launch of the new in-house service on 1 October 2020. Cabinet has

recommended that the council's tenants and leaseholders are consulted about these draft strategic priorities, before they are agreed as part of a more comprehensive review of the Business Plan, prior to the setting of new budgets for the financial year 2021/22. The draft strategic priorities are:

- To maintain a Housing Revenue Account that is self-financing and reflects both the requirements of residents and the strategic visions and priorities of the council.
- To provide opportunities for tenants and leaseholders to become involved in the management of their homes.
- To provide safe, well maintained and energy efficient homes.
- To invest in long-term improvements to the council's housing stock and provide homes that people choose to live in.
- To increase the council's housing stock through programmes of new build and refurbishment.
- To review the alternative options for homes that cannot be maintained to meet current and future standards.
- To maintain a rent and charging policy that is both affordable for residents and ensures the resources needed for investment in homes and services.
- To maintain a minimum level of HRA reserves of £1m.

## **Details of the HRA revised expenditure estimates**

- 5.3 **Contract and Price Inflation** - There are no planned changes from the original budget report.
- 5.4 **Repairs and Maintenance** - The revenue budget has increased to reflect the increased cost associated with the staff structure for this area (£234k) and the additional costs of compliance checks (£50k)
- 5.5 **Supervision and Management General** – This area of expenditure includes removal of 6 months of the EKH management fee and the inclusion of 6 months of the new in-house service staff as well as associated costs inc. ICT, HR/payroll and office accommodation.

This budget has increased by £703k and is formed of one-off costs (£464k), on-going costs associated with bringing EKH in house (£131k) and an increase for additional security (£108k) at tower blocks to assist with fire safety until the main tower block capital works are completed. These additional resources will support a programme of service improvement, in partnership with tenants and leaseholders, once the new in-house service has been launched.

The £464k one-off costs include the £187k for ICT costs previously reported to Cabinet in the report dated 18 June 2020.

- 5.6 **Bad or Doubtful Debts Provision** – As highlighted in paragraph 3.1, Covid-19 is causing an increase in rent arrears caused by the potential loss of income to Council tenants as a result of the pandemic. An increase in the bad debt provision of £430k is prudent based on the forecast year end debt. Regular updates on bad debt will be provided as part of the quarterly monitoring reports.

5.7 **Depreciation for Fixed Assets** – There are no planned changes from the original budget report. The estimated depreciation charge for dwellings and other assets is calculated at £4.05m in 2020-21.

5.8 **Debt charges** – There are no planned changes from the original budget report. Since the self-financing settlement, the council has operated a two loan pool approach whereby the HRA and GF are each responsible for the repayment of their own apportionment of loans. As part of the self-financing settlement, the HRA had its debt capped at £27.792m, with this cap being abolished from 29 October 2018. As at 1 October 2019, following the repayment of £3.311m HRA debt on that date, the HRA had £15.9m of loans outstanding.

5.9 **Details of the HRA income estimates**

There are no revisions to income assumptions since the budget was originally approved by members.

5.10 **The Housing Revenue Account Reserves**

The council operates three HRA reserves: a HRA Major Repairs Reserve, the HRA Balance Reserve and the HRA New Properties Reserve:

5.11 **Housing Revenue Account Major Repairs Reserve** – An amount equivalent of the actual depreciation charge for dwellings is transferred to the Major Repairs Reserve to fund capital works to the existing stock. The estimated transfer to the Major Repairs Reserve for 2020-21 is £4.05m.

This funding, together with previous allocations of supported borrowing and revenue contributions, with good management, has enabled the council to maintain the housing stock in a good condition. The council currently maintains its social housing to Decent Homes Plus standard.

5.12 **Housing Revenue Account Balance Reserve** – This reserve holds the balance of the HRA and is used to draw down to balance the revenue budget and smooth out any peaks and troughs within the 30 year business plan. It is maintained by annual contributions from the HRA. As at 1 April 2020 this reserve balance was £8.65m.

5.13 **HRA New Properties Reserve** – This reserve holds funds set aside to fund either new build properties or the acquisition of suitable properties for use within the HRA. Earmarked match funding for the Margate Intervention, New Build Programme and 141 Acquisition Programme has been set aside in this reserve as agreed by Cabinet. As at 1 April 2020 this reserve balance was £1.075m and is due to be drawn down during 2020-21 programmes. Income generated from affordable rents will continue to be set aside in this reserve for re-investment.

5.14 The original and proposed revised HRA revenue budget for 2020-21 is set out below.

**Table 1: 2020-21 HRA Budget**

DRAFT - HOUSING REVENUE ACCOUNT BUDGET		
Description	2020-21	2020-21



	Original	Revised
	£'000	£'000
<b>Income</b>		
Dwelling Rents (gross)	-12,911	-12,911
Non-dwelling Rents (gross)	-227	-227
Charges for services and facilities	-531	-531
Contributions towards expenditure	-386	-386
<b>Income Subtotal</b>	<b>-14,055</b>	<b>-14,055</b>
<b>Expenditure</b>		
Repairs & Maintenance	3,451	3,735
Supervision & Management – General	3,487	4,190
Supervision & Management – Special	779	779
Rents, rates, taxes and other charges	250	250
Bad or doubtful debts provision	200	630
Depreciation/impairment of fixed assets	4,050	4,050
Capital Expenditure funded from HRA	1,172	1,172
Debt Management Costs	9	9
<b>Expenditure Subtotal</b>	<b>13,398</b>	<b>14,815</b>
<b>Net Costs of Services Sub Total</b>	<b>-657</b>	<b>760</b>
Share of Members and Democratic Core	148	148
HRA Investment Income	-160	-160
Debt Interest Charges	997	997
Government Grants and Contributions	-300	-300
Adjustments made between accounting basis and funding basis	-97	-97
<b>(Surplus)/Deficit on HRA</b>	<b>-69</b>	<b>1,348</b>
<b>Housing Revenue Account Balance:</b>		
Surplus at Beginning of Year	-8,645	-8,645
(Surplus)/Deficit for Year	-69	1,348
Estimated Surplus at End of Year	<b>-8,714</b>	<b>-7,297</b>

The overall increase of £1,417k is generated from the one-off costs of bringing EKH in house £464k, additional on-going revenue costs of the same of £365k, costs of security and of additional compliance of £158k and an increase in bad debt provision to deal with the forecast additional debts associated with Covid-19 £430k. A detailed narrative of these increases is included in paragraph 5.4 to 5.6.

There are currently no assumptions about the timing or amount of monies to be handed back to the authority by EKH as part of this revised budget, as a detailed review of balances and liabilities at EKH is still on-going.

## **6.0 The HRA Capital Programmes for 2020-21 to 2023-24**

- 6.1 Due to construction companies ceasing works during the Covid-19 pandemic, all of the new build and intervention schemes are experiencing completion delays. This has had not only a knock on effect to tenants moving into the properties, but has also meant that the use of 1-4-1 capital receipts could not be achieved by the original deadlines resulting in a risk of repayment to the government. The Council has been in discussions with the government about adjusting these expenditure targets and the government has now allowed authorities to slip two quarters expenditure targets to the end of December 2020.
- 6.2 Covid-19 has also had a detrimental effect on the rest of the HRA Capital Programme. Not only because of the contractor delays, but also because many vulnerable tenants aren't allowing access to properties to undertake works.
- 6.3 However the true slippage on all programmes won't fully be known until later in the financial year once discussions with contractors are at an advanced stage and the impact on supply chains is fully assessed. Members will receive an update on the progress of the Capital Programme through regular quarterly budget monitoring reports.
- 6.4 Therefore the HRA Capital Programme remains unchanged for 2020-21 to 2023-24. The revised table in **Annex 1** includes the actual budget b/fwd from 2019-20 as well as building an additional budget of £206k in 2020-21 and £900k in the 2021-22 Programme for lift refurbishment. The £206k is an additional increase since the report went to Cabinet at the end of July so the budget now reflects the successful tender return, however this overall cost still represents value for money as it was achieved through a competitive tender process.
- 6.5 The draft HRA Capital Programme for 2020-21 totals £13,529k whilst a review of Covid impact is undertaken, which will be funded from the HRA reserves, revenue contributions to capital, grant, prudential borrowing and 141 receipts. A summary of this programme and the proposed funding sources are shown in **Annex 1**.

## **7.0 Working Balances and Reserves**

- 7.1 Section 32 of the Local Government Finance Act 1992 requires local authorities to have regard to the level of reserves needed for meeting estimated future expenditure. The Section 151 Officer is responsible for providing advice, so that decisions taken on reserves represent proper stewardship of public funds. Reserves should be set and maintained at a level at least sufficient to meet any unexpected increase in expenditure or shortfall in income in the ensuing year that cannot be met from within the approved budget. Any decision that fails to take into account his advice may require a report to be made to the council under Section 114 of the Local Government Finance Act 1988.
- 7.2 These reserves are required in order to comply with proper accounting practice, whilst others have been created to earmark resources for known or predicted

liabilities. A summary of the projected reserves, allowing for the budget proposals, is shown in Table 1 below for information.

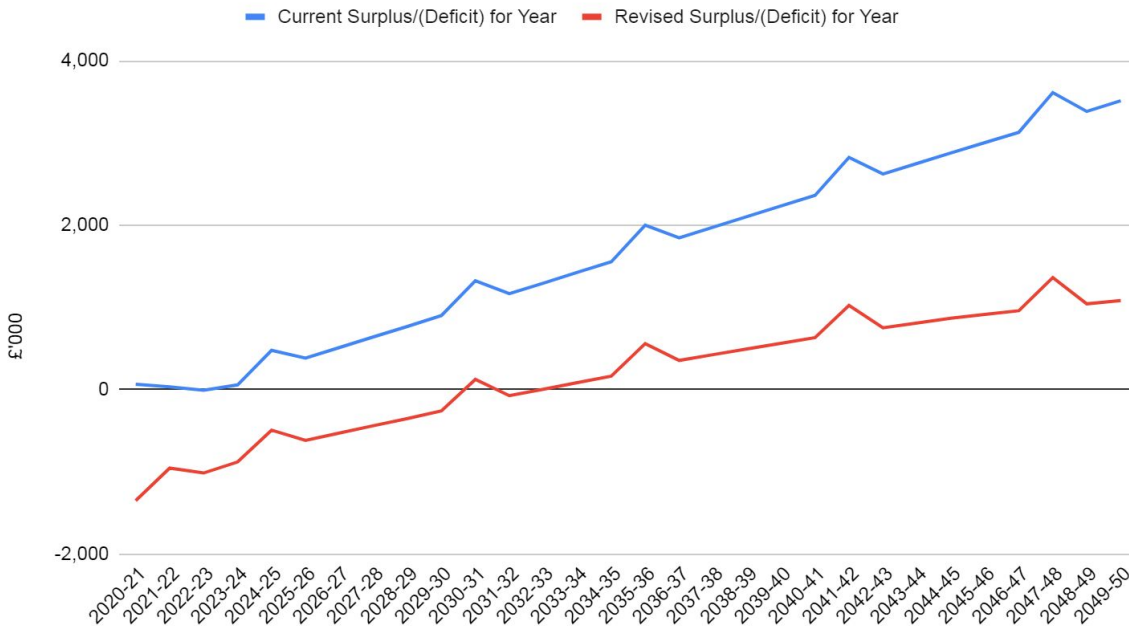
**Table 2 HRA Reserves**

<b>Reserves</b>	<b>31 Mar 20</b>	<b>Movement</b>	<b>31 Mar 21</b>	<b>Movement</b>	<b>31 Mar 22</b>
	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>	<b>£000</b>
HRA - Balances Reserve	8,645	-1,348	7,297	-952	6,345
HRA - New Prop/ Repairs Reserve	1,075	-1,075	0	0	0
HRA - Major Repairs Reserve	15,469	-7,664	7,805	-7,711	94
<b>Total</b>	<b>25,189</b>	<b>-10,087</b>	<b>15,102</b>	<b>-8,663</b>	<b>6,439</b>

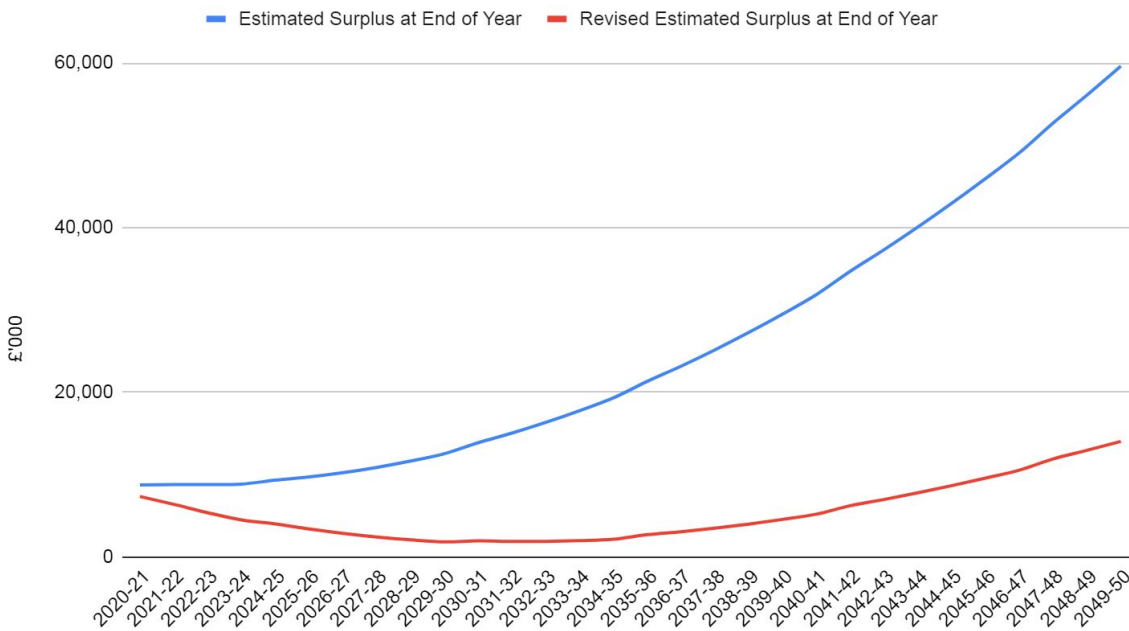
## 8.0 30 year HRA Business Plan

- 8.1 When considering such a major operational change, to ensure the HRA remains sustainable in the longer term an indicative review of the HRA 30 year business plan has been undertaken.
- 8.2 However in order to produce a business plan certain assumptions have to be made in order to forecast both expenditure and income. The two key indices used within the business plan are CPI and RPI.
- 8.3 Income to the HRA is linked in the main to CPI. The current business plan assumes a CPI + 1% increase annually for rental income, the maximum allowed under statute. Members have the authority to freeze rental income or set a rent increase below CPI +1%. However the financial impact on the business plan would be significant if this was agreed and would mean the HRA would fail to make a surplus for a longer period of time.
- 8.4 Expenditure is mainly linked to RPI in the business plan model and this is also subject to variations over the term of the business plan. Typically RPI is higher than CPI which is why it is important to ensure that rental increases are at CPI +1% so that costs do not increase at a greater rate than income.
- 8.5 This budget report only sets the revised budget for 2020-21 and a further report will be presented to members in 2021 which will include a more comprehensive business plan and medium/long term budget position.
- 8.6 The charts below show the current overall position of the HRA based on these assumptions over the next 30 years:

### Impact on HRA Business Plan



### HRA Balances



8.7 The current business plan model shows that whereas the HRA would have made a regular surplus from 2023-24, the impact of bringing EKH in house and the additional costs of compliance and security, means the HRA is unlikely to make a regular surplus until at least 2030-31.

8.8 However, although the HRA is forced into a deficit over the next few financial years, the HRA balances, as demonstrated by the charts, remain healthy and the business plan demonstrates that the proposed changes to the annual budget

caused by the decision to bring EKH back in house are affordable in the longer term.

## **9.0 Budget Estimates**

9.1 The estimates are considered to be robust and have been subject to significant review and scrutiny by the Corporate Management Team, Heads of Service and Financial Services Officers.

9.2 In general, realistic assumptions have also been incorporated with regards to inflationary increases, and where appropriate these have been reflected in both expenditure and fees and charges income.

## **10.0 Housing Revenue Account (HRA) - Section 151 Officer's Assurance Statement**

10.1 Section 25 of the Local Government Act 2003 also requires that, when the council is considering the HRA budget and rent levels, the council's Section 151 Officer (the Deputy Chief Executive) must report on:

- The robustness of the estimates.
- The adequacy of the proposed financial reserves.

10.2 The HRA estimates are considered to be robust and have been subject to significant review and scrutiny. Realistic assumptions have been incorporated with regards to inflationary increases, and where appropriate these have been reflected in both expenditure and income.

## **11.0 Adequacy of HRA Reserves**

11.1 The level of HRA reserves remain healthy with HRA balances far in excess of the targeted £1m even after the pressures of East Kent Housing services coming in house, which would require drawdowns from this reserve.

11.2 The New Properties Reserve is likely to be fully utilised by the end of 2020-21 due to further progression of the Council's new build housing and refurbishment schemes. This is as expected, although in future years, the reserve will continue to be replenished with affordable housing rents.

11.3 The Major Repairs Reserve is under considerable pressure over the medium term due to the large capital programme spend forecast in 2020-21 and 2021-22. This spend is forecast to reduce the reserve to £94k at the end of 2021-22, although over the following years the reserve is forecast to be replenished.

## **12.0 HRA Outturn Provisional Outturn 2019/20**

12.1 The Housing Revenue Account (HRA) outturn shows a deficit of £662k. The budget for the HRA (as reported to Cabinet in January 2019) was a projected deficit of £419k.

12.2 Table 3 provides a summary of the key variances compared to budget.

**Table 3 - HRA Main Variances**

Budget	(Under)/ Over Spend £000	Explanation
Rental income	(418)	Week 53 unbudgeted rental income and lower rent voids
Day to Day Repairs Expenditure	103	Over spend as a result of Non-Price Per Property works and void works required for re-let.
Management & landlord costs	349	Increased costs of security, compliance and management fee associated with EKH compliance issues
Bad & Doubtful Debt Allowance	(32)	Decrease in allowance based on year end bad debt position
Other under or overspends	241	Various budgets / technical adjustments
<b>TOTAL VARIANCES</b>	<b>243</b>	

### **HRA Working Balance**

12.3 The accumulated HRA balance at 31 March 2020 is £8,645m, the in-year deficit saw the balance reduce from £9.307m at 31 March 2019.

12.4 The HRA working balance is being managed so that it provides the flexibility to meet unexpected demands and pressures without destabilising the council's overall financial position. The level of the working balance is examined in the context of risk and also the need to replace lost rent following the increased right to buy sales of dwellings.

### **Major Repairs Reserve**

12.5 The balance on the reserve is £15.469m and this increased in 2019/20 by £2.7m.

The reserve is increased by the calculated annual depreciation charge on HRA stock and this is offset by expenditure of a capital nature on housing stock, including repayment of borrowing.

### **HRA Earmarked Reserves**

12.6 In addition to the Working Balance, the HRA maintains an earmarked reserve specifically for acquisition of property. The balance in the reserve is currently £1.075m (HRA New Property Reserve). This decreased by £1.452m during the year as a result of the progression of the council's new build programme, offset by the annual income from affordable rented housing stock.

### **Housing Revenue Account Capital**

- 12.7 The provisional outturn of the HRA capital programme for 2019-20 is £10.586 million, compared to the revised budget of £19.664 million a variance of £9.078 million.

Table 4 below shows details of the actual spend by project.

**Table 4 HRA Capital Project Spend**

HRA Capital Programme	Revised 2019-20 Budget	Actual 2019-20	Variance to Revised 2019-20 Budget
	£000	£000	£000
Major Works	5,710	1,897	(3,813)
Margate Intervention	2,813	1,610	(1,203)
New Build Programme	8,266	4,973	(3,293)
141 Acquisitions Programme	2,052	1,979	(73)
Acquisitions Programme	728	0	(728)
St John's Crescent	95	127	32
<b>Total Expenditure</b>	<b>19,664</b>	<b>10,586</b>	<b>(9,078)</b>

- 12.8 Table 5 below shows how the actual spend was financed:

**Table 5 Financing of HRA Capital Programme**

HRA Capital Programme	Revised 2019-20 Budget	Actual 2019-20	Variance to Revised 2019-20 Budget
	£000	£000	£000
HRA Major Repairs Reserve	5,410	1,745	(3,665)
HRA Revenue Contributions/Reserve	3,555	1,904	(1,651)
Capital Grant	2,023	876	(1,147)
Capital Receipts	2,267	1,808	(459)
Prudential Borrowing	6,409	4,253	(2,156)
<b>Total Resources</b>	<b>19,664</b>	<b>10,586</b>	<b>(9,078)</b>

The main variances to the programme have been caused by a delay in the commencement of works at Royal Crescent, a rescoping of the lift refurbishment programme, kitchens and bathrooms and new build and intervention programmes.

The timetable for Royal Crescent works being delivered has slipped although the scope of works has now been assessed and costed by external consultants. The works will now commence in 2020/21.

The delay in the lift refurbishment programme has been caused as a result of a revisiting of the specification of replacement due to concerns about the longevity of the proposal. The revised specification has now been assessed and additional monies requested as per paragraph 4.4 of this report.

Intervention schemes have continued during 2019/20 although some of the sites already have experienced delays towards the end of 2019/20 due to Covid-19. In addition some other on-site delays have led to slippage. The remainder of the budget outside the named sites is to be used for further development and the Council continues to seek a suitable site in the intervention area.

New build programme delays were in part caused by some initial procurement timetable slippage. Phase 3 has seen the biggest delays due to required additional groundworks on-site. £1m in relation to TDCs Phase 4 New Build Programme will slip to 2020-21 as a result of a lack of suitable sites

The acquisition programme for Ramsgate has been delayed due to the urgent requirement to spend 1-4-1 capital receipts on property acquisition and therefore resources were focused on this aim and resulted in this acquisition programme being slipped to 20/21.

12.9 **Annex 2** sets out the details of the capital programme provisional outturn for 2019-20.

## 13.0 Options

13.1 The scenario presented in this report, and the recommendations following, have been drafted to meet the requirements of agreed budget strategies and to take account of prevailing economic conditions. Any of the assumptions could be varied; however, there would be too many possible permutations to present in this report.

Contact Officer: Chris Blundell, Director of Finance  
Reporting to: Tim Willis, Deputy Chief Executive and S151 Officer

## Annex List

Annex 1: Housing Revenue Account Capital Programme 2020-24 Budget  
Annex 2: Housing Revenue Account Capital Programme 2019-20 Provisional Outturn

## Background Papers



Cabinet 30 July 2020: Revised HRA budget and monitoring 2020-21 and HRA provisional outturn 2019-20.

Budget monitoring papers held in Financial Services.

## **Corporate Consultation**

**Finance:** N/A

**Legal:** Estelle Culligan, Head of Legal and Democratic Services

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# Agenda Item 12

## Annex 1

### Annex 1 - HRA Capital Programme 2020-21 to 2023-24

SCHEME	2019-20	2020-21	2021-22	2022-23	2023-24
	Slippage				
	£'000	£'000	£'000	£'000	£'000
<b>Major Works</b>					
Re – Roofing	942	261	270	280	290
Window & Door Replacements	91	175	175	175	175
Kitchen and Bathroom Replacements	188	612	624	636	649
Rewiring	133	150	153	156	159
Heating	1	360	367	375	382
Fire Precaution Works:	82	50	50	50	50
Tower Block Works	0	5,357	8,997	61	0
Planned Refurbishments (Door Entry and Entrance Doors)	49	65	65	65	65
Structural Repairs	1,382	370	100	100	100
Thermal Insulation	20	20	10	10	10
Lift Refurbishment & Replacements	519	446	900	0	0
Garages	140	0	0	0	0
CCTV	117	134	0	0	0
<b>Revenue Contribution to Capital</b>					
Disabled Adaptations	0	400	408	416	425
<b>Subtotal Major works &amp; Disabled Adaptations</b>	<b>3,664</b>	<b>8,400</b>	<b>12,119</b>	<b>2,324</b>	<b>2,305</b>
<b>Development Programme Re-profiled</b>					
Margate Intervention programme	1,203	1,072	0	0	0
New build Phase 1	294	0	0	0	0
New build Phase 2	583	0	0	0	0
New build Phase 3	1,417	557	0	0	0
<b>New Development Programmes</b>					
New build Phase 4	1,000	3,500	4,332	0	0
<b>Acquisitions Programme</b>	728	0	0	0	0
<b>Total HRA Capital Expenditure</b>	<b>8,889</b>	<b>13,529</b>	<b>16,451</b>	<b>2,324</b>	<b>2,305</b>

# Agenda Item 12

## Annex 1

<b>FUNDED BY:</b>	<b>2019-20</b>	<b>2020-21</b>	<b>2021-22</b>	<b>2022-23</b>	<b>2023-24</b>
	<b>Slippage</b>				
	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>	<b>£'000</b>
Major Repairs Reserve		8,000	11,711	1,908	1,880
Revenue Contributions		400	408	416	425
New Properties Reserve		772			
Section 106		300			
Prudential Borrowing		3,007	3,032		
141 Capital Receipts		1,050	1,300		
<b>Total Funding</b>		<b>13,529</b>	<b>16,451</b>	<b>2,324</b>	<b>2,305</b>

# Agenda Item 12

## Annex 2

### Annex 2 - HRA Capital Programme Provisional Outturn 2019-20

Capital Scheme	Q3 Capital Budget as at Cabinet 12 March 2020	Outturn	Variance	Explanation
<b>EAST KENT HOUSING MANAGED BUDGETS</b>				
RE ROOFING	1,040,000	98,069	-941,931	Royal Crescent Slippage - Consultants appointed to specify and prepare tender documents
REPLACE WINDOWS DOORS	165,000	73,562	-91,438	
KITCHEN & BATH REPLACEMENTS	600,000	411,903	-188,097	
ELECTRICAL REWIRING	270,000	137,337	-132,663	
HEATING	350,000	348,735	-1,265	
FIRE PRECAUTION WORKS	676,000	594,124	-81,876	
PLANNED REFURBISHMENTS	50,000	623	-49,377	
STRUCTURAL REPAIRS	1,425,000	42,569	-1,382,431	Royal Crescent Slippage - Consultants appointed to specify and prepare tender documents
THERMAL INSULATION	30,000	10,495	-19,505	
LIFT REFURBISHMENT	519,000	0	-519,000	Delay due to comprehensive review of refurbishment specification, following site surveys.
DISABLED ADAPTATIONS	300,000	152,580	-147,420	
CCTV	135,000	17,820	-117,180	
GARAGES	150,000	9,657	-140,343	
<b>SUB Total</b>	<b>5,710,000</b>	<b>1,897,474</b>	<b>-3,812,526</b>	
<b>TDC MANAGED BUDGETS</b>				
<b>MARGATE HOUSING INTERVENTION</b>				
40-46 Sweyn Road	37,585	-7,877	-45,462	
1 Godwin Road	767,559	386,690	-380,869	Delay in programme due to COVID-19 and other on-site delays. Project now back on site.
17-21 Warwick Road	1,355,075	1,228,101	-126,974	Delay in programme due to COVID-19 and other on-site delays. Project now back on site.
24 Ethelbert Crescent	69,140	-2,208	-71,348	
New Projects	583,200	5,050	-578,150	Further project in the intervention area to be identified.
<b>NEW BUILD PROGRAMME</b>				
Phase 1	399,466	105,737	-293,729	Phase 1 completed
Phase 2	2,686,801	2,104,198	-582,603	Delays during

## Agenda Item 12 Annex 2

Phase 3	4,179,922	2,763,205	-1,416,717	procurement and as a result of additional groundworks identified.
Phase 4	1,000,000		-1,000,000	Potential site options to be identified.
141 PURCHASES PROGRAMME	2,052,200	1,978,825	-73,375	
ACQUISITIONS PROGRAMME	727,600	0	-727,600	Potential purchases identified.
ST JOHNS CRESCENT	95,092	127,250	32,158	
<b>SUB Total</b>	<b>13,953,640</b>	<b>8,688,971</b>	<b>-5,264,669</b>	
<b>Total</b>	<b>19,663,640</b>	<b>10,586,445</b>	<b>-9,077,197</b>	

**Urgent Action - Council Procedure Rule 28**

Council **10 September 2020**

Report Author **Tim Howes Corporate Director Governance and Monitoring Officer**

Status **For Information**

Classification: **Unrestricted**

**Executive Summary:**

During the Covid 19 pandemic it was necessary for officers to undertake urgent action under Council Procedure Rule 28 of the Constitution, in relation to two particular matters.

The first was the extension of the authority to attest the affixation of the Council's common seal to documents.

<https://democracy.thanet.gov.uk/ieDecisionDetails.aspx?ID=5003>

The second was to implement the Business and Planning Act 2020 which allows for businesses to apply to put tables and chairs on the highway.

<https://democracy.thanet.gov.uk/ieDecisionDetails.aspx?ID=5001>

**Recommendation(s):**

Council notes the urgent actions taken under Rule 28 of the Council Procedure Rules.

**CORPORATE IMPLICATIONS**

<b>Financial and Value for Money</b>	There are no financial implications arising from this report.
<b>Legal</b>	<p>The constitution allows officers to take urgent action where the matter cannot await the next scheduled meeting.</p> <p>Not sealing any documents during lockdown, would have brought the council's business, which required the completion of contracts, agreements, property transactions and statutory notices etc. to a halt. It may also have resulted in the council being exposed to legal action for non-compliance.</p>
<b>Corporate</b>	These actions were necessary to secure the continued functioning of the council's business and comply with the statutory lock-down rules. Further, the licensing of chairs and tables on the highway, allowed us to implement new legislation to support the local economy.

<b>Equality Act 2010 &amp; Public Sector Equality Duty</b>	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.	
	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.	
	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	X
Foster good relations between people who share a protected characteristic and people who do not share it.		

<b>CORPORATE PRIORITIES (tick those relevant) ✓</b>	
Growth	✓
Environment	
Communities	✓

**1.0 Introduction and Background**

1.1 Rule 28 of the Council Procedure Rules gives authority where urgent action, which cannot await the next scheduled meeting, is necessary, such action may be taken by the Chief Executive or a Corporate Director or a Head of Service after consultation with the Chairman of the Committee, Board or relevant body holding the delegated power.

**2.0 Attesting the Affixing of the Council’s Common Seal**

2.1 The Common Seal is affixed to those documents which in the opinion of the Director of Law and Democracy or Monitoring Officer, should be sealed. The affixing of the Common Seal will be attested by a Member of the Council and one of the said officers or some other person authorised by them. An entry of every sealing of a document is made and consecutively numbered in the seal register, which is signed by a person who has attested the seal.

2.2 As a response to the COVID 19 pandemic, with effect from 17 March 2020 the Monitoring Officer took urgent action to extend the rules for attesting the fixing of the common seal to documents, which required a member and an officer to attest. In addition to the existing requirement of a member and legal officer attesting the



affixing of the seal, during the Covid pandemic, two legal officers would also be authorised to attest the affixing of the common seal.

2.3 The reasons for the decision were:

- (1) To comply with the statutory 'lock down' restrictions which stopped people leaving home without a reasonable excuse and to minimise the risk of transmission of the virus, in particular to vulnerable and shielded people.
- (2) To enable the council to continue to complete contracts, agreements (e.g. planning agreements), property transactions and statutory notices (e.g. Tree Preservation Orders) etc. during the Covid pandemic.
- (3) Failure to complete such matters exposed the authority to unnecessary legal risks

2.4 The purpose of attesting the affixing of the seal is not to agree the content or form of the document being sealed, but simply to show that the council's common seal has been properly affixed. The practice of attaching seals was introduced into England in the 11th century by Edward the Confessor, its use has recently declined, the Companies Act 2006 replaced the use of a seal by two signatures for companies, whilst its use continues in local and central government. However it is a constitutional and not a legal requirement and we are alone in East Kent in requiring a Member to attest the fixing of the common seal.

### 3.0 The Business and Planning Act 2020 - Tables and Chairs on the Highway

3.1 Since March 2020, central government has introduced a number of pieces of legislation with regard to responding to the Covid-19 pandemic and the associated recovery of society and the economy. The Business and Planning Act 2020 allows for businesses to apply to put tables and chairs on the highway. The legislation allows for a licence to be granted by default if the local authority does not grant or refuse it within 7 days from the end of a 7 day consultation period.

3.2 On the 29 July 2020, the following steps were put in place in accordance with the licensing delegations in our constitution:

- (a) That all functions are delegated to officers (the Director of Operational & Commercial Services) to implement the process for, and allow for the determination of, applications for pavement (outdoor seating) licences;
- (b) To agree a fee of £100 for an application for a Pavement Licence;
- (c) The Licensing Sub-Committee/Licensing Board will have the function of hearing and deciding appeals arising out of any decision relating to the grant of a pavement licence.

Contact Officer:	Tim Howes, Solicitor, Corporate Director and Monitoring Officer
Reporting to:	Madeline Homer, Chief Executive

**Background Papers**

Title	Details of where to access copy
Attestation of affixing the Council's common seal	<a href="https://democracy.thanet.gov.uk/ieDecisionDetails.aspx?ID=5003">https://democracy.thanet.gov.uk/ieDecisionDetails.aspx?ID=5003</a>
The Business and Planning Act 2020 - Tables and Chairs on the Highway	<a href="https://democracy.thanet.gov.uk/ieDecisionDetails.aspx?ID=5001">https://democracy.thanet.gov.uk/ieDecisionDetails.aspx?ID=5001</a>

**Corporate Consultation**

<b>Finance</b>	Matthew Sanham
<b>Legal</b>	

## **APPOINTMENT OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE**

<b>Meeting</b>	10 September 2020
<b>Report Author</b>	Tim Howes, Corporate Director Governance
<b>Portfolio Holder</b>	Deputy Leader and Cabinet Member for Housing and Community Services
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted

### **Executive Summary:**

This report asks Council to consider the recommendation of the Standards Appointments Working Party and confirm the appointments of two new members of the Standards Committee.

### **Recommendation(s):**

That Mr Lee Wellbrook and Mr Peter Lorenzo are appointed as Independent Members of the Standards Committee for a term expiring at the Annual Meeting of Council 2023.

### **Corporate Implications**

#### **Financial and Value for Money**

Independent Members of the Standards Committee are entitled to a small Special Responsibility Allowance (SRA). These allowances are included in the approved 2019/20 Budget.

#### **Legal**

The Council has established a process for handling complaints through the Standards Committee which involves Independent Members which is compliant with the Localism Act 2011

#### **Corporate**

The continued appointment of Independent Members to the Standards Committee will enhance public trust and confidence in the operation of the Council's ethical governance arrangements

#### **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 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.

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.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.

There are no specific issues related to this decision.

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- Communities

### **1.0 Introduction and Background**

1.1 After the appointment of Mr Tucker and Ms Causier as Independent Members of the Standards Committee a further recruitment exercise was undertaken to fill the remaining two vacancies for Independent Members of the Standards Committee. This report asks the Full Council to confirm the appointment of the two nominees.

### **2.0 Recommendations of the Standards Appointments Working Party**

2.1 The Standards Appointment Working Party together with the Corporate Director Governance and the Committee Services interviewed the shortlisted candidates on 4 August. As a result the Standards Appointment Working Party recommended:

“That Mr Lee Wellbrook and Mr Peter Lorenzo are appointed as Independent Members of the Standards Committee for a term expiring at the Annual Meeting of Council 2023.”

### **3.0 Options**

3.1 To confirm the nominations of Mr Lee Wellbrook and Mr Peter Lorenzo.

4.2 The Council could choose not to confirm the nominations. If this is the decision taken, a new recruitment process would be required to recruit suitable persons to act as Independent Members/Persons. This would potentially cause a delay in handling matters for investigation through the Standards process and is not recommended.

### **4.0 Decision Making Process**

- 4.1 Council is required to confirm the appointment of Independent Members to the Standards Committee and the Independent Persons to ensure that they have a mandate to be able to perform their functions in that role.

Contact Officer: Tim Howes, Corporate Director Governance  
Reporting to: Madeline Homer, Chief Executive

## **Annex List**

None

## **Background Papers**

None

## **Corporate Consultation**

**Finance:** Chris Blundell, Director of Finance

**Legal:** Tim Howes, Corporate Director Governance

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## **CHANGES TO COMMITTEES, PANELS AND BOARDS - 2020/21**

<b>Meeting</b>	10 September 2020
<b>Report Author</b>	Nick Hughes, Committee Services Manager
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted

### **Executive Summary:**

The report allows Council to agree on the number and size of the Committees, Panels and Boards for the remainder of the municipal year and then subsequently the proportionality of the Council as result of Cllr Gregory leaving the Labour group and sitting as an Independent Councillor. The report then goes on to address the allocation of seats on those bodies to political Groups.

### **Recommendation(s):**

- 3.8.1 That Council agrees one of the options outlined at paragraphs 3.4 – 3.6 to achieve proportionality.
  
- 4.6.1 To note the corresponding group nominations to Committees, Panels and Boards for the remainder of 2020/21 as per paragraph 3.8.1. (The names of those Councillors so nominated will be presented at the meeting)

## **Corporate Implications**

### **Financial and Value for Money**

There are no direct financial implications from this report. However members allowances included in the annual budget are based on the existing structure and any increase in size or number of committees would require approval of the resulting increase in the budget.

### **Legal**

The composition and allocation of membership of committees has been based on the relevant legislative requirements.

### **Corporate**

There are no direct Corporate Implications

### **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 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.

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.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

## Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

## 1.0 Introduction and Background

1.1 The report allows Council to agree on the number and size of the Committees, Panels and Boards for the remainder of the municipal year and then subsequently the proportionality of the Council as result of Cllr Gregory leaving the Labour Group and sitting as an Independent Councillor. The report then goes on to address the allocation of seats on those bodies to political Groups.

## 2.0 Political Balance

2.1 The political balance of the Council as a result of Cllr Gregory leaving the Labour Group is shown below:

Political Group	No. of Cllrs before changes	No of Cells after changes
Conservative	25	25
Labour	19	<b>18</b>
Thanet Independents	7	7
Green	3	3
Independent (not in a group)	1	<b>2</b>
Vacant Seat	1	1



### 3.0 Political Proportionality

- 3.1 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political Groups in accordance with the size of each group on the Council as a whole and in accordance with the following principles which should be observed as far as is reasonably practicable:
- a) That not all seats on the same committee are allocated to the same political group;
  - b) That the majority of the seats on a committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;
  - c) That, subject to a) and b) above, the number of seats on committees allocated to each political group bears the same proportion of the total of all the seats on committees;
  - d) That, subject to a), b) and c) above, the number of seats on a committee allocated to each political group bears the same proportion to the number of all seats on that committee.
- 3.2 For the purposes of political balance a Group is required to have at least two members and to have been formally constituted as a political group before the meeting.
- 3.3 The report author has contacted the leaders of the political groups and consensus on an option to achieve political balance has not been achieved. Therefore Council will have to choose between one of the following three options.

### 3.4 Option 1

- 3.4.1 That a seat on the Planning Committee is removed from the Labour Group and given to the Conservative Group. The table below shows the changes to numbers serving on Committees as a result of this proposal:

Committees	Total	Conservative Group	Labour Group	Thanet Independents	Green Group
Planning Committee	14	7	4	2	1
Licensing Board	13	6	5	1	1
Overview and Scrutiny Panel	14	6	5	2	1

Gov. and Audit	13	6	5	1	1
General Purposes	12	6	4	2	0
B&EA Working Party	6	3	2	1	0
CRWP	4	2	1	1	0
<b>Totals</b>	<b>76</b>	<b>35</b>	<b>27</b>	<b>10</b>	<b>4</b>

## 3.5 Option 2

3.5.1 That a seat on the Overview and Scrutiny Panel is removed from the Labour Group and given to the Conservative Group. The table below shows the changes to numbers serving on Committees as a result of this proposal:

<b>Committees</b>	<b>Total</b>	<b>Conservative Group</b>	<b>Labour Group</b>	<b>Thanet Independents</b>	<b>Green Group</b>
Planning Committee	14	6	5	2	1
Licensing Board	13	6	5	1	1
Overview and Scrutiny Panel	14	<b>7</b>	<b>4</b>	2	1
Gov. and Audit	13	6	5	1	1
General Purposes	12	6	4	2	0
B&EA Working Party	6	3	2	1	0
CRWP	4	2	1	1	0
<b>Totals</b>	<b>76</b>	<b>35</b>	<b>27</b>	<b>10</b>	<b>4</b>

## 3.6 Option 3

3.6.1 That another solution that achieves proportionality is agreed. Note that if an alternative proposal is developed during the meeting, compliance with the proportionality rules would need to be verified by officers.

3.7 The overall political balance calculations for the proposals shown above are available at Annexes 1 and 2.

## 3.8 Recommendation

3.8.1 That Council agrees one of the options outlined at paragraphs 3.4 – 3.6 to achieve proportionality.

## 4.0 Nominations of Members to serve on Committees

4.1 Members are reminded that Section 16 of the Local Government and Housing Act 1989 states that where the Council has determined the allocation to different groups of the seats to which the Act applies, it shall be the duty of the authority to give effect to a Group's wishes about who is to be appointed to the seats that they have been allocated.

4.2 Therefore the corresponding amendments to group nominations as outlined below must also be made.

### 4.3 Option 1

4.3.1 That a seat is removed from the Labour Group on the Planning Committee and the Labour Group need to remove a nomination from that Committee. That a seat is given to the Conservative Group on the Planning Committee and the Conservative Group need to make a new nomination to that Committee. This is summarised in the table below:

Committee/Group	Current Position	New Position
<b>Planning Committee</b>		
Labour Group	5 seats	4 seats (need to remove a nominee)
Conservative Group	6 seats	7 seats (need to make new nomination)

### 4.4 Option 2

4.4.1 That a seat is removed from the Labour Group on the Overview and Scrutiny Panel and the Labour Group need to remove a nomination from that Committee. That a seat is given to the Conservative Group on the Overview and Scrutiny Panel and the Conservative Group need to make a new nomination to that Committee. This is summarised in the table below:

Committee/Group	Current Position	New Position
<b>Overview and Scrutiny Panel</b>		
Labour Group	5 seats	4 seats (need to remove a nominee)
Conservative Group	6 seats	7 seats (need to make new nomination)

### 4.5 Option 3

- 4.5.1 If Council agrees its own solution to agree political proportionality then Council must note the relevant changes to group nominations to Committees, Panels and Boards that correspond with those changes.

## **4.6 Recommendation**

- 4.6.1 To note the corresponding group nominations to Committees, Panels and Boards for the remainder of 2020/21 as per paragraph 3.8.1. (The names of those Councillors so nominated will be presented at the meeting)

**Contact Officer:** Nick Hughes, Committee Services Manager

**Reporting to:** Tim Howes, Corporate Director, Governance & Monitoring Officer

## **Annex List**

Annex 1: Proportionality calculations for main committees covered by Local Government & Housing Act 1989 Option 1

Annex 2: Proportionality calculations for main committees covered by Local Government & Housing Act 1989 Option 2

## **Background Papers**

*None*

## **Corporate Consultation**

**Finance:** Chris Blundell, Director of Finance

**Legal:** Tim Howes, Corporate Director, Governance & Monitoring Officer

**Option 1**

	Members	Conservative	Labour	TIC	Green	Non group
Overall Council	55	25	18	7	3	2
Groups only	53	25	18	7	3	0
	100.00%	47.17%	33.96%	13.21%	5.66%	100.00%
Under s15 LGHA 1989 proportionality applies in full						
	Members	Conservative	Labour	Thanet Independents	Green	check
Planning Committee	14	7	4	2	1	
	100.00%	50.00%	28.57%	14.29%	7.14%	100.00%
Licensing Board	13	6	5	1	1	
	100.00%	46.15%	38.46%	7.69%	7.69%	100.00%
Scrutiny Panel	14	6	5	2	1	
	100.00%	42.86%	35.71%	14.29%	7.14%	100.00%
Governance & Audit	13	6	5	1	1	
	100.00%	46.15%	38.46%	7.69%	7.69%	100.00%
General Purposes	12	6	4	2	0	
	100.00%	50.00%	33.33%	16.67%	0.00%	100.00%
BEAWP	6	3	2	1	0	
	100.00%	50.00%	33.33%	16.67%	0.00%	100.00%
CRWP	4	2	1	1	0	
	100.00%	50.00%	25.00%	25.00%	0.00%	100.00%
Totals allocated	76	36	26	10	4	
	100.00%	47.37%	34.21%	13.16%	5.26%	100.00%
Totals entitlement	76	35.85	25.81	10.04	4.30	76.00
Difference from entitlement no.	0	0.15	0.19	-0.04	-0.30	0.00
Difference from entitlement %		0.1986	0.2483	-0.0497	-0.3972	

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**Option 2**

	Members	Conservative	Labour	TIC	Green	Non group
Overall Council	55	25	18	7	3	2
Groups only	53	25	18	7	3	check
	100.00%	47.17%	33.96%	13.21%	5.66%	100.00%
Under s15 LGHA 1989 proportionality applies in full						
	Members	Conservative	Labour	Thanet Independents	Green	check
Planning Committee	14	6	5	2	1	
	100.00%	42.86%	35.71%	14.29%	7.14%	100.00%
Licensing Board	13	6	5	1	1	
	100.00%	46.15%	38.46%	7.69%	7.69%	100.00%
Scrutiny Panel	14	7	4	2	1	
	100.00%	50.00%	28.57%	14.29%	7.14%	100.00%
Governance & Audit	13	6	5	1	1	
	100.00%	46.15%	38.46%	7.69%	7.69%	100.00%
General Purposes	12	6	4	2	0	
	100.00%	50.00%	33.33%	16.67%	0.00%	100.00%
BEAWP	6	3	2	1	0	
	100.00%	50.00%	33.33%	16.67%	0.00%	100.00%
CRWP	4	2	1	1	0	
	100.00%	50.00%	25.00%	25.00%	0.00%	100.00%
Totals allocated	76	36	26	10	4	
	100.00%	47.37%	34.21%	13.16%	5.26%	100.00%
Totals entitlement	76	35.85	25.81	10.04	4.30	76.00
Difference from entitlement no.	0	0.15	0.19	-0.04	-0.30	0.00
Difference from entitlement %		0.1986	0.2483	-0.0497	-0.3972	

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