



Date: 20 August 2021  
Our ref: Cabinet/Agenda  
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## CABINET

**31 AUGUST 2021**

A meeting of the Cabinet will be held at **7.00 pm on Tuesday, 31 August 2021** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

### Membership:

Councillor Ashbee (Chair); Councillors: Pugh, J Bayford, R Bayford, Kup and D Saunders.

## AGENDA

Item  
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)  
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 12)  
To approve the summary of recommendations and decisions of the Cabinet meeting held on 29 July 2021, copy attached.
4. **THANET LIFTS PETITION**  
Report to follow.
5. **STATEMENT OF COMMUNITY INVOLVEMENT REVIEW - RESULTS OF PUBLIC CONSULTATION AND ADOPTION** (Pages 13 - 48)
6. **URGENT DECISION - AMENDMENT TO THE CAPITAL PROGRAMME** (Pages 49 - 54)

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

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

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

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

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

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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



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

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

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

### **Gifts, Benefits and Hospitality**

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

### **What if I am unsure?**

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

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

## CABINET

### Minutes of the meeting held on 29 July 2021 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Ash Ashbee (Chair); Councillors Pugh, J Bayford, R Bayford and D Saunders

**In Attendance:** Councillors Albon, Ara, Austin, Everitt, Keen, Rusiecki, M Saunders, Shrubbs and Wing

#### 739. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Kup.

#### 740. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 741. MINUTES OF EXTRAORDINARY MEETING

Councillor Ashbee proposed, Councillor Bob Bayford seconded and Members agreed the minutes as a correct record of the extraordinary meeting held on 8 June 2021.

#### 742. MINUTES OF PREVIOUS MEETING

Councillor Ashbee proposed, Councillor Bob Bayford seconded and Members agreed the minutes as a correct record of the meeting held on 17 June 2021.

#### 743. ASSET MANAGEMENT- GRANVILLE CINEMA

Members were asked to decide on approving the recommendation to dispose of the Granville Cinema to a qualifying community group via the Council's Community Asset Transfer Policy as set out in the cabinet report. The Policy defines a viable community group as:

- An established community organisation;
- Already able to demonstrate good custodianship of assets;
- Already able to demonstrate financial ability to invest in the property;
- Enable the asset to advance its social aims for the benefit of the community.

Members were advised that the community asset transfers were not transfers at nil value. The disposal would be required to generate best consideration possible, taking into account that it was listed as an asset of community value. The Community Asset Transfer Policy is distinct from the Community Right to Bid process.

Community Right to Bid is set out in the Localism Act 2011. It allows community groups both to nominate any public or private owned assets to be listed as an Asset of Community Value, which then gives community groups greater opportunity to register to bid to purchase the asset.

Cabinet noted that the Granville Cinema was already listed as an Asset of Community Value, but the Community Right to Bid process might be initiated if any relevant groups come forward once the Council advertises the Notice of Intention to Dispose. This would create a 6 month moratorium period, during which the Council could not sell except to the relevant group making the bid.

The following Members spoke under council Procedure Rule 20.1.

Councillor Albon;  
Councillor Wing;  
Councillor Austin;  
Councillor Ara.

Cabinet agreed the following:

1. To dispose of the Granville Cinema in accordance with the Council's Community Asset Transfer Policy as listed in Option 1;
2. To dispose of the Granville Cinema on the open market under Option 2, if the proposal to dispose under Option 1 does not bring forward a viable purchaser;
3. To give delegated authority to the Director of Property, in consultation with the Disposal Surveyor to agree Heads of Terms and enter into the relevant negotiations;
4. To give delegated authority to the Director of Law and Democracy to sign all documents necessary to give effect to the disposal.

#### **744. QUARTER 4 TENANT AND LEASEHOLDER SERVICES UPDATE**

Members discussed the 2020/21 quarter four performance of the Housing Services. Since transition in October 2020 of East Kent Housing services in-house, the new Tenant and Leaseholder Services (TLS) team had shown improved performance in a number of areas.

During the period under review, staff training was provided which led to an empowered and motivated team. There was also a focus on improving communication with stakeholders and on improving the contract management and relationships with contractors. Good progress was reported in the areas of customer service and rent collection.

There were some areas where further improvement was required, such as the delivery of the housing capital programme and day to day repairs. During the quarter an improvement plan for the service was developed. This followed consultation with tenants and leaseholders which highlighted priorities around the appearance of the estate areas, communication, opportunities for involvement in the service and digital service access.

Since the transition, health and safety compliance had been a high priority and the council had been working closely with the Regulator for Social Housing. There had been steady progress towards full compliance in the main areas of tenant health and safety and aim to be ready for the Regulator for Social Housing to remove the regulatory notice served on the council during 2021.

There had also good progress in the performance of the digital systems. The council now had its own independent cloud-based database, with TDC data separated from the other three councils that used to be part of the housing services partnership (EK Housing). TDC had also recently invested in new software for the management of health and safety compliance.

Councillor Jill Bayford proposed, Councillor Bob Bayford seconded and Cabinet agreed to note the report.

#### **745. STATEMENT OF COMMUNITY INVOLVEMENT REVIEW - RESULTS OF PUBLIC CONSULTATION AND ADOPTION**

Cabinet considered the results of the Statement of Community Involvement review that was conducted from 25 February to 9 April 2021. The Statement of Community Involvement (SCI) sets out how the Council will consult on planning policy issues, planning applications and neighbourhood plans. The SCI was originally adopted by Council in 2007. A reviewed and updated SCI was adopted by Council in 2012. The results of the review reported included the main issues raised in response to that consultation and the resulting changes to be made to the SCI.

The issues raised in relation to the SCI had been considered leading to some changes being recommended as reflected in Annex 1 to the Cabinet report. Members were advised that the concerns that had been raised by residents regarding the proposal to charge an administrative fee for processing lengthy and complex representations to the Local Plan had been listened to and were no longer going to be in the updated SCI.

Councillor Everitt and Councillor Austin spoke under council Procedure Rule 20.1.

Councillor Ashbee proposed, Councillor Bob Bayford seconded and Cabinet agreed that the reviewed SCI be reported to Full Council on 9 September 2021 for adoption.

## **746. ANNUAL TREASURY MANAGEMENT REVIEW**

Cabinet discussed a summarised backward look on the council's treasury management activity for 2020-21. The figures that were provided at the meeting were provisional because the council's 2020-21 accounts had not yet been audited, and these figures were therefore subject to change until the audit is completed.

The meeting was advised that the regulatory environment placed responsibility on Members to review and scrutinise the treasury management policy and activities of the council. For that reason, the report was therefore considered important as it provided details of the 2020-21 year-end position for treasury activities.

Cabinet were pleased to note that the reported council activities operated within the limits agreed by Members, and particularly noted the key messages summarised as follows:

1. That the council's capital expenditure was significantly under budget, as detailed in the following budget outturn report;
2. That the council repaid £631,000 of debt during the year and undertook no new borrowing;
3. That the council's average debt position was £25million and the council did not borrow more money than was needed to finance the capital programme;
4. As such, the council stayed well within its authorised limit of £109million.

Councillor Saunders proposed, Councillor Bob Bayford seconded and Cabinet agreed the following:

1. To note the actual 2020-21 prudential and treasury indicators in the Cabinet report;
2. To make comments on and note as appropriate the Annual Treasury Management Report for 2020-21;
3. To recommend the report to council for approval.

## **747. GENERAL FUND & HRA PROVISIONAL OUTTURN 2020-21**

Cabinet considered the General Fund and HRA Provisional Outturn report for 2020/21 and Members were advised that these were likely to be the final accounts for the year, subject to any last-minute amendments, or changes as a result of the external audit. On

the General Fund revenue position, there was a £3.6million overspend. This compared favourably with the last monitoring report, in January. Some of the overspend was due to the impact of Covid, as a range of additional expenditure was incurred, and income had fallen. Almost all income had been affected, especially off-street car parking, Council Tax and Business Rates.

However there were also non-Covid factors that gave rise to the overspend. The two largest were the actual and potential legal costs associated with matters being considered by the Investigations and Disciplinary Committee, estimated at £733,000; and the revenue costs of the replacement of berth 4/5, estimated at £445,000. Additionally, the council had some pre-existing budget problems that would not have gone away. These were referred to in the 2021-22 budget monitoring report, which was also considered at this meeting. These would also be a factor to consider in the 2022-23 budget.

The accounting arrangements for Council Tax and Business Rates were exceptionally complex for 2020-21. For example, Business Rate Relief was subject to a Government grant that had to be included in the 2020-21 accounts, but the council would have to apply the entire grant in subsequent years. These technicalities meant that about £10million of the council's reserves at 31 March 2021 were already committed, to be used to fund income losses. All districts would have a similarly inflated reserves position at 31 March 2021, which should not be considered to be available to spend on anything other than Council Tax and Business Rates.

The meeting were further advised that the overall position of the Housing Revenue Account was better than previously forecast. This was mostly due to rent income not being so adversely impacted by Covid than planned. On the capital programmes for both the General Fund and HRA, they were roughly 50% underspent. This was largely due to Covid, although there were some projects that would have underspent, not as a result of the pandemic.

Councillor Saunders proposed, Councillor Bob Bayford seconded and Cabinet agreed the following:

1. To note the following:
  - a. The provisional outturn position for the General Fund;
  - b. The provisional outturn position for General Fund Capital;
  - c. The provisional outturn position for the Housing Revenue Account;
  - d. The provisional outturn position for Housing Revenue Account Capital;
2. Cabinet further agreed the following:
  - a. The reserve movements as identified at section 5 table 3 to the Cabinet report;
  - b. The slippage in the General Fund Capital Programme as identified in section 6 to the Cabinet report;
  - c. The slippage in HRA budgets as identified in section 6/7 to the report.

### **748. BUDGET MONITORING 2021-22: REPORT NO.1**

Members received the first budget monitoring report for 2021/22. The General Fund revenue forecast to have a £2.1million overspend. Some of this would be directly related to Covid; for example, the need to hold Council meetings at Ramsgate Sports Centre,

rather than the Council Chamber. Other overspends were not related to Covid; for example, income losses in property, building control and clinical waste. These areas had under-achieved against budget before Covid, and would need to be addressed in the 2022-23 budget. Finally, some overspends would be due to a mix of Covid and non-Covid factors, such as Homelessness.

This report was an early forecast for the year, and it was hoped that the picture would improve as the year progressed. If there was no improvement the council could fall back on the just enough Covid grants that could cover the overspend. On General Fund capital, there was some slippage, or underspend, that was being forecast. Two areas Members noted were in respect of toilets and office accommodation. Both of these projects were dependent on capital receipts from the sale of toilets and the council's main offices. Until a plan had been developed which would generate enough income from sales to cover the cost of any capital expenditure, these projects would not go ahead.

With regards to the Housing Revenue Account, Cabinet noted that the main overspend was to fund the waking watch service in tower blocks, as recommended by the Fire Service. On the HRA capital programme, the substantial slippage on last year's programme had been comprehensively re-profiled over the next few years, to create more realistic phasing of projects. The re-profiling prioritised the essential health and safety works to the tower blocks.

Councillor Saunders proposed, Councillor Bob Bayford seconded and Cabinet agreed the following:

1. To note the following:
  - a. The General Fund revenue budget 2021-22 forecast position;
  - b. The General Fund Capital Programme 2021-22 forecast position;
  - c. The Housing Revenue Account position;
2. To fund the budget gap as at para 5.2 to the Cabinet report;
3. To the change in HRA funding as set out in para 7.2 of the Cabinet report;
4. To the updated General Fund capital programme as set out in Section 6 and Annex 1 to the Cabinet report.

### **749. INSURANCE TENDER**

Cabinet considered the request for approval to enter into a new contract for insurances. The Council was required to ensure value for money when procuring its contracts and as such was required to re-procure its insurance contract before the renewal date of January 2022.

Councillor Saunders proposed, Councillor Pugh seconded and Cabinet agreed to letting of the contract for insurance services as laid out in the report.

### **750. BERTH 4/5 - PORT OF RAMSGATE - ADDITIONAL FUNDING**

Cabinet discussed the request for additional funding for works on Berth 4/5 at the Ramsgate of Port. Members were advised that in order for the council to fulfil its contractual obligations to Bretts, the council had to provide a berth for them at all times for use in connection with their permitted activities. A detailed background to the decision was shared at the meeting in order to provide a context for this cabinet decision. For

several years the berths provided were becoming problematic in terms of the need for constant maintenance and repair and ultimately came to the end of their useful life.

Initial feasibility and design work for the project to replace the existing Berth 4/5 was focused on a fixed quay, however following an approach by BAM Nuttal the use of a floating pontoon became an option. Following a technical assessment by our consultants, the option of a floating pontoon was more cost effective and would fall within the capital cost allocated to the project.

It was also reported that on the 28th June 2019 the council gained external planning advice, that reliance could still be placed on part 18 of the General Purpose Development Order. On this basis, a prior approval application could therefore be made without the need to undertake an Environmental Impact Assessment (EIA) or to make a full planning application. The meeting was further advised that based on this advice, officers proceeded on that basis.

The two options of a fixed quay or floating berth were presented to a cross party Ramsgate Port Working Party who then decided unanimously that the floating berth (pontoon) should be developed as this represented best value. Legal advice was also sought to confirm that the pontoons could be purchased in accordance with the Public Contracts Regulations 2015. The advice received was that a compliant tender pack and performance specification should be produced for the purpose of competitive tendering.

The documents provided additional information which allowed a better understanding of the scale of the project that the council's lawyers had not had prior to the initial advice. Subsequently their advice was amended to say that a direct award could be progressed and would be lawful. Record of decision for the realignment of the capital programme was signed by the Port Portfolio Holder. The Chair of the Overview & Scrutiny Panel subsequently called in this decision and the legal advice was shared with the members of the Panel.

There was then a change in administration and the new Cabinet requested a report outlining all the options available to procure a replacement berth. At the Cabinet meeting held on the 16th December 2019, Option 4 was approved which was a competitive tender for a single replacement berth. This was a change in procurement approach from the previous decision to do a direct award. Following the competitive tender process Bam Nuttal were the preferred supplier for the replacement berth, now only utilising just one of the two pontoons.

On the 17th June 2020, the Marine Management Organisation (MMO) informed TDC that we needed to screen the project to establish whether an EIA was required. This was in relation to the construction of piles to hold the berth in place. On the 17th August 2020 the MMO confirmed that an EIA was not required and following this, a prior approval application was submitted to the Local Planning Authority (LPA).

Consequently, at that time and based on the advice the officer had received, the project did not require an EIA and a revised project delivery plan was shared with the contractor. Even though as the applicant the council had received legal advice that an EIA was not required on the 13th October 2020, the LPA confirmed that they now required an EIA before prior approval application could be determined. The MMO subsequently reviewed their position which subsequently also changed and aligned with the LPA and also now required an EIA.

This unanticipated delay had resulted in a significant increase in the estimated total cost of the scheme which now exceeds the allocated budget. The cabinet report that was considered at the meeting provided detail on the additional scheme cost and proposed an increase in the budget allocation of £825k. A breakdown of this amount was set at Annex 1 to the cabinet report. The report also contained a revised project programme set

out at Annex 2, which showed the construction phase now taking place between May and August 2022. A summary of project activity to date was also presented as a timeline at Annex 3 to the cabinet report.

Recommendation 1 in the report was a request for a capital virement of £55k to the berth 4/5 project from two other existing maritime capital projects to fund the EIA.

Recommendations 2 and 3 were ordinarily decisions that were meant to have been by Full Council, but were being recommended for approval by Cabinet as urgent decisions (under Rule 4 of the Budget and Policy Framework Procedure Rules in the Constitution).

As urgent decisions outside the Budget Framework, the Chair of Overview and Scrutiny has been informed and has given consent for the matter to be dealt with by Cabinet. The matter will be reported to the next scheduled meeting of Council in September.

The following Members spoke under council Procedure Rule 20.1.

Councillor Everitt;  
Councillor Wing;  
Councillor Austin;  
Councillor Rusiecki.

Councillor Ashbee proposed, Council Cabinet is asked to agree the following recommendations:

1. A 2021-22 General Fund capital virement to transfer budget totalling £55k to the 'Berth 4/5 Replacement Project' scheme for the development of the EIA be approved, to be funded from a £25k transfer from the 'Replacement of Lead Lights at Port' scheme and £30k transfer from the 'Ramsgate Port & Harbour Utilities Supply upgrade' scheme;
2. That a 2021-22 supplementary capital budget of £325,000 be approved for additional costs associated with the 'Berth 4/5 Replacement Project' scheme, to be funded from a £50,000 revenue contribution and £275,000 of borrowing, in accordance with Rule 4 of the Budget and Policy Framework Procedure Rules;
3. That additional revenue expenditure of £445,000 recognised in the 2020-21 accounts and financed from the Council's earmarked reserves be approved, in accordance with Rule 4 of the Budget and Policy Framework Procedure Rules.

Meeting concluded: 8.06 pm

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## STATEMENT OF COMMUNITY INVOLVEMENT REVIEW- RESULTS OF PUBLIC CONSULTATION AND ADOPTION

<b>Cabinet</b>	31 August 2021
<b>Report Author</b>	Adrian Verrall, Strategic Planning Manager
<b>Portfolio Holder</b>	Cllr Ash Ashbee, Leader of the Council
<b>Status</b>	For Decision
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	Policy Framework
<b>Previously Considered by</b>	Overview & Scrutiny - 26 August 2021
<b>Ward:</b>	Thanet Wide

### Executive Summary:

The Statement of Community Involvement (SCI) sets out how the Council will consult on planning policy issues, planning applications and neighbourhood plans. The SCI was originally adopted by Council in 2007. A reviewed and updated SCI was adopted by Council in 2012.

It is considered appropriate that the SCI should be reviewed now in line with the forthcoming Local Plan review, and to reflect changes in methods of communication and engagement. There is also a requirement under the Town and Country Planning Regulations that SCIs are reviewed every 5 years.

The Council carried out a public consultation on the SCI Review from 25 February - 9 April 2021. This report sets out the main issues raised in response to that consultation and any resulting changes to be made to the SCI. Subject to an agreement by Cabinet, the reviewed SCI will be reported to Full Council for adoption.

### Recommendation(s):

That Cabinet agree that the reviewed SCI should be reported to Full Council on 9 September 2021 for adoption.

### Corporate Implications

#### Financial and Value for Money

There are no costs directly associated with this report. However there will be costs associated with some methods of consultation and engagement to be funded through the Local Plan Reserve budget and operational budgets.

## Legal

The Statement of Community Involvement should be reviewed every 5 years to meet the requirements of section 10A of the Town and Country Planning (Local Planning) (England) Regulations 2012 as amended and in accordance with section 23 of the Planning & Compulsory Purchase Act 2004

## Corporate

The engagement and consultation requirements that apply to the Council's planning activity are extensive. However, it is important to reflect the Council's corporate commitment to community engagement, which the SCI seeks to do.

## 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: -  
(Delete as appropriate)

- *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.*

*You should then explain how your report supports the aims you have indicated in the table above.*

*In addition authors are required to conduct a Customer Impact Assessment where proposals affect customers or staff. Topics such as:*

- *the introduction/change/cessation of a service*
- *introduction/increases in fees and charges*
- *staff restructures*
- *creation/amendment of policy or strategy documents*
- *introduction of new initiatives/schemes*

*are examples of where an assessment should be carried out.*

*Compliance can only be achieved if we can evidence that due regard is given in substance, this means starting your assessment at the beginning of your piece of work and updating it throughout. Completing the assessment at the end or after a decision is taken will not satisfy the Duty.*

*Where an assessment is required please summarise the key findings here and append your full analysis to the report with any personal data redacted.*

*Please see the equality compliance toolkit on TOM or contact the Legal Department for assistance.*

## **CORPORATE PRIORITIES**

This report relates to the following corporate priorities: -

- *Communities*

### **1.0 Introduction and Background**

- 1.1 The Statement of Community Involvement (SCI) sets out how the Council will involve people in the planning process. It explains how people can become involved when the Council is preparing planning policies, deciding planning applications and consulting on Neighbourhood Plans.
- 1.2 The SCI is a statutory document, required under the Planning and Compulsory Purchase Act 2004.
- 1.3 The Council has to review its Statement of Community Involvement every 5 years (Town & Country (Amendment) Planning Regulations 2012, 10A). It was originally adopted by the Council in 2007 and was reviewed in 2012. It was considered that the 2012 version was still fit for purpose for the Local Plan Examination which took place in 2019. The Inspectors' report concluded that 'the Plan meets the relevant legal requirements...' in relation to consultation. The consultations carried out during the Local Plan process were prepared in conjunction with the 2012 SCI. However it is now necessary to review the SCI, in line with the forthcoming Local Plan Review.
- 1.4 Since the last review of the SCI, communication methods have dramatically changed, allowing easier, more direct and more digitally focussed methods in addition to traditional methods of engagement. The updated SCI will reflect the Council's current practices, and will replace the 2012 version once adopted

### **2.0 The Current Situation**

- 2.1 The Council carried out a consultation on a review of the SCI from 25 February - 9 April 2021. A total of 74 comments were made by 20 respondents.
- 2.2 A link to all of the full responses online can be found in the Background Papers section of this report.

- 2.3 Some of the comments received did not relate directly to the SCI or related to the Local Plan and local plan process. Officers have carefully considered all of the comments received and have responded to the main relevant issues and common issues raised in the consultation responses. The table in **Annex 1** shows the summary of the issues, the Council's response, and any resulting changes proposed to be made to the SCI.
- 2.4 One of the main concerns raised by respondents was the proposal to charge administrative fees for officers to process long and complex representations to Local Plan consultations. This was not intended to affect representations made by local people. However, we have listened to the concerns raised by people during the consultation, and it is recommended that the fee proposal is removed from the SCI.
- 2.5 The main changes proposed to the SCI as a result of the public consultation include:
- Clarification that consultation events will be held in a variety of locations within the district
  - Amendments to make it clear that a Local Plan is a Development Plan Document
  - Additional text to refer to compliance with the Governments accessibility requirements
  - Additions to Table 1 (Methods of Consultation) to include more dialogue with Town and Parish Councils and wider distribution of publicity materials
  - Clarification in that a combination of methods of consultation will be used
  - Deletion of reference to a potential administration fee to process long and complex documents
  - More specific detail about which newspapers will be used for formal notices and press releases
  - Factual correction to Stage 1 of the Neighbourhood Plan process to reflect updated Neighbourhood Planning Regulations that no longer require the Council to consult on a proposed neighbourhood area if the boundary is the same as the town or parish boundary
  - New paragraph setting out how the Council will give advice or assistance throughout the neighbourhood planning process
  - Update contact details for the CPRE under the 'Where to get help with a Planning Issue' section

## 3.0 Options

- 3.1 Option 1 - To agree the responses to the consultation, agree the proposed amendments to the SCI and recommend that the reviewed and amended SCI be reported to full Council for adoption.
- 3.2 Option 2 - To require further changes to be made to the document and recommend that the reviewed and amended SCI be reported to full Council for adoption
- 3.4 Option 1 is the recommended Option. The SCI has been reviewed taking into consideration the most recent legislative requirements and government guidance, reviewed responses received during the public consultation and made changes to the SCI as a result of those responses where appropriate.

## **4.0 Next Steps**

4.1 The SCI will be reported to Full Council - 9 September

Contact Officer: Adrian Verrall, Strategic Planning Manager  
Reporting to: Bob Porter, Director of Housing and Planning

### **Annex List**

*Annex 1: Summary of Main Issues, Councils Response and resulting changes to the SCI*  
*Annex 2: Equalities Impact Assessment*

### **Background Papers**

Title: [SCI Review Consultation Draft - February 2021](#)

Title: [Full responses to the consultation](#)

### **Corporate Consultation**

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

**Legal:** *Estelle Culligan, Director of Law and Democracy*

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**Statement of Community Involvement Public Consultation - Summary of Main Issues, Councils Response and Resulting Changes to the SCI**

Summary of issue	Response	Proposed Change
<b>Chapter 1 - Why is the Statement of Community Involvement being reviewed?</b>		
The Council should embrace the concept of the SCI for all of its services	<p>The Statement of Community Involvement is a specific requirement of the local plan process and not necessarily applicable to wider council services.</p> <p>The council is committed to communicating openly with Thanet’s communities and to involving communities in the design and review of its services, using the most appropriate means relevant to the issue or service.</p>	N/A

<p>The Council should engage with communities in their communities, rather than communities having to go to the Council</p>	<p>Part of the Local Plan consultations included drop-in sessions in Margate, Birchington, Westgate, Ramsgate, Broadstairs, Westwood and Minster. However it would help to clarify in the SCI that drop in sessions will be held in a variety of places.</p>	<p>Amend Table 1, column 2 (relating to exhibitions/drop in sessions) as follows:</p> <p>Provides an opportunity for two way dialogue. <b>Provides opportunities for consultation events to be held in a variety of locations within the district.</b> Accessible to broad audience</p> <p>Add the following to column 3: <b>Availability and suitability of venues in various locations</b></p>
<p>The SCI Review is overdue</p>	<p>In 2017, the Local Plan was at an advanced stage in the Local Plan process, with its submission for independent examination scheduled for 2018. That year, Council received a letter from the Secretary of State regarding his concerns about delays in our local plan process. The Council was working to extremely tight deadlines to keep to the Local Plan timetable - reviewing the SCI at this time would have delayed the Local Plan process.</p>	<p>N/A</p>

	<p>As part of the Examination process, the Inspectors consider whether or not Local Plan consultations have been carried out in accordance with the SCI. As the 2012 SCI was the relevant SCI for the majority of the Local Plan consultations, it was appropriate for it to remain in place until after the Examination. In the Statement of Consultation submitted to the Local Plan Examination, it states that the methods set out in the 2012 SCI were still relevant. Those methods of consultation are still considered relevant and have been included in this SCI review.</p> <p>In their report, the Examination Inspectors noted the requirements of the SCI, and concluded that the draft Local Plan met all the legal requirements, including for consultation. However, before embarking on the update of the Local Plan, it was considered necessary to review the SCI.</p> <p>The Council will continue to use a variety of methods for public consultations, including traditional methods as well as new online methods</p>	
<b>Chapter 2 - What we will consult on</b>		

<p>Please give consideration to use of language and terminology.</p>	<p>The Council uses 'plain English' as far as possible in publicity materials, adverts and information about consultations. However Planning Policy documents, once adopted, have a legal status so the language and terminology used may not be as easy to read or understand.</p>	<p>N/A</p>
<p>Have previous consultations been effective? Comments that people have not heard about consultations or aware of issues proposed in the Local Plan.</p>	<p>During the Local Plan process, the Council used a number of methods for its public consultations including adverts in local newspapers, information on social media, drop-in sessions, public meetings and making documents available in local libraries. A summary of the consultations including people who attended drop-in sessions and numbers of comments received was reported to the Local Plan Inspectors in the <a href="#">Statement of Consultation</a>.</p>	<p>N/A</p>
<p>Paragraph 2.6, second line down, this should include the addition of the words, Thanet District as it is unclear which Council residents need to apply to</p>	<p>Agree this would make it clearer</p>	<p>Amend para 2.6 as follows: 2.6 A Neighbourhood Development Order means that town and parish councils can grant permission for certain types of development without the need for people to apply to <del>the Thanet District</del> Council for <b>planning permission</b></p>
<p>Paragraph 2.1 - This paragraph is confusing as a Local Plan is a Development Plan Document</p>	<p>Agree</p>	<p>Amend paragraph 2.2 as follows: The Council can also produce <b>other</b> 'Development Plan Documents' (DPD) to include planning policies that sit alongside</p>

		Local Plan policies (e.g. the Cliftonville DPD)
The Council should consult on other documents that form the evidence base for the Local Plan	The Council made every effort to publish evidence base documents as soon as it was able. Many of these documents were published before the submission of the Plan to Examination, and some people did comment on the documents as part of their responses to the draft Plan.	N/A
Restricting the circulation of weekly planning applications lists does not aim to increase community involvement.	The primary purpose of the weekly list is for members to be notified in accordance with the Council Call in procedure. The Council's online planning public access has the ability to generate weekly list specific to individual areas, available here: <a href="https://planning.thanet.gov.uk/online-applications/search.do?action=weeklyList">https://planning.thanet.gov.uk/online-applications/search.do?action=weeklyList</a> Also residents or groups can sign up through sign up to automated notification when applications are received within a prescribed radius of sites. This is available here:  <a href="https://planning.thanet.gov.uk/online-applications/registrationWizard.do?action=start">https://planning.thanet.gov.uk/online-applications/registrationWizard.do?action=start</a>	N/A
It states above at Paragraph 2.3 'The Council has to carry out informal and formal consultations in the process of preparing a Local Plan, a DPD or a review of an existing	Agree that para 2.3 could be worded better. The council is only required to carry out formal consultations on Neighbourhood Plans as engagement/involvement in carried	Amend first sentence of para 2.3 as follows: <b>The Council will engage and involve communities as well as carrying</b> <del>has to</del> <del>carry out informal and formal consultations in</del>

<p>Local Plan. The Local Plan, DPD, or reviewed Local Plan will have to be formally adopted by the Council'. In the interests of transparency and accountability consultations it must be right that consultations must be formal not informal.</p> <p>Please delete the words "informal and" in Paragraph 2.3.</p> <p>This marries up with Paragraph 2.5</p>	<p>out by the Town or Parish Council preparing a Neighbourhood Plan</p>	<p>the process of preparing a Local Plan, a DPD or a review of an existing Local Plan</p>
<p><b>Chapter 3 - Who we will consult</b></p>		
<p>Reference should be made to the need for compliance with the Governments accessibility requirements.</p>	<p>Agree</p>	<p>Add to para 3.4:  <b>All online documents produced by the Council will meet the requirements of the Government's accessibility requirements (<a href="https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps">https://www.gov.uk/guidance/accessibility-requirements-for-public-sector-websites-and-apps</a>)</b></p>
<p><b>Chapter 4 - How we will consult</b></p>		
<p>Comments relating to difficulties using the online portal, particularly with large or complex documents or maps and diagrams.</p>	<p>The Council appreciates that some of the consultations are complex and is continually looking for ways to improve and simplify online consultations. We have added links to each chapter to help people find the section they would like to comment on, and also provided instructions for some consultations.</p>	<p>Add the following to the end of para 4.4:  <b>The Council may prepare a step by step guide on how to respond to some consultations, and for any consultation officers will be available to help people use the online system.</b></p> <p>Amend Table 1 to include making the online</p>

	<p>The Council will continue to provide paper copies of consultation documents for consultations on planning policy.</p> <p>The council will provide assistance in using the online consultation system - the SCI should be amended to reflect this.</p>	system available at drop in sessions.
There should be more dialogue/briefings with Town and Parish Councils	Agree	Amend Table 1 - Methods of Consultation as set out in Appendix 1
Wider distribution of leaflets/publicity material - every household/more public notice boards/community places eg food banks, community centres, notices in town halls and libraries. Not everyone has internet access.	Distributing publicity materials to every household would incur high costs in both printing and postage. However, agree that materials could be more widely distributed.	Amend Table 1 - Methods of Consultation as set out in Appendix 1
Table 1 - Methods of Consultation is non-specific and non-committal	Paragraph 4.6 of the SCI explains that the methods set out in Table 1 are methods the Council could use depending on the nature of the consultation. However this could be made clearer in para 4.6	Amend para 4.6 as follows: The Council will use <b>an appropriate combination of methods</b> <del>one or more of the methods identified as being appropriate,</del> depending on the type, nature, context and stage in the process of the consultation concerned.
Charging an administration fee to process representation is unlawful and unreasonable	<p>This was suggested as Council officers input a significant amount of representations received by post or email:</p> <p>Preferred Options Consultation - 59% of responses entered by officers</p> <p>Proposed Revisions Consultation - 35% of responses entered by officers</p> <p>Pre-Submission Consultation - 39% of responses entered by officers</p> <p>Proposed Modifications Consultation - 75%</p>	<p>Amend para 4.4 as follows:</p> <p>4.4 Council officers will enter all comments received by email or post into the online consultation portal to make it easier for us to assess responses, publish the results of a public consultation, and send comments to Inspectors/Examiners at the independent</p>

	<p>of responses entered by officers.</p> <p>The idea of charging was aimed at large or complex responses which include large documents with graphics and volumes of appendices which all need to be transferred into the consultation portal. However the Council accepts that the inclusion of this may deter some people from responding, and that was not the intention.</p>	<p>assessment stage. Inputting comments into the online portal relies on the interpretation of them by Council officers. <del>This can be very time-consuming and cause delay to the Local Plan process. Where long and complex representations are submitted on paper or by email, an administration fee may be charged when they have to be entered manually by officers. Based on previous experience, it is anticipated that the vast majority of representations would not be affected by fee charges.</del> In order to avoid any mis-interpretation or mis-understanding of your representations, <del>or administrative charges,</del> we would encourage people to use the online consultation portal themselves.</p>
<p>Are there additional ways to support and reach out to people with protected characteristics and other marginalised or harder to reach communities – for example, through correspondence with faith, voluntary, community and social enterprises and other stakeholder organisations in Thanet.</p> <p>For exhibitions and drop-in sessions, venues should provide reasonable access to all, in line with the Equality Duty 2010.</p>	<p>This is our current procedure as set out in para 3.4 of the SCI.</p>	<p>N/A</p>

Will adverts/announcements appear in only one of the local newspapers? If so, then which one? And will it appear in the printed edition or the online edition or both?	Formal public notices and adverts are placed in the Kent Messenger - both printed and online. Press releases are sent to a much wider distribution including the Isle of Thanet Gazette, Thanet Extra, Isle of Thanet News, Kent on Sunday, Thanet Community Ad, ITV Meridian, BBC South East, BBC Radio Kent, Heart FM and Academy FM. An amendment could make this clearer.	Add to third point under para 4.1: <b>Formal notices and adverts will be placed in the Kent Messenger, press releases will be sent to a much wider distribution including the Isle of Thanet Gazette, Thanet Extra and the Isle of Thanet News</b>
<b>Chapter 5 - What happens to the comments that the Council receives?</b>		
The Council should respond to individual comments rather than common issues. Cabinet/Committee dates should be publicised when representations and responses will be considered by councillors.	The planning policy process seeks to address the main issues raised during consultations rather than responding to each individual comment. This was introduced to reflect the requirements of the Planning Inspectorate at Reg 19 stage (as set out in the Inspectorate's <a href="#">Procedure Guide</a> ). It also helps to speed up the planning policy process.  The Council will email or write to people who have commented during a consultation to let them know when the main issues and responses are available on the consultation portal.	N/A
Paragraph 5.1 - It would be recommended that the Council undertake at least some basic analysis of submission document	This relates to a more detailed part of the independent Examination process. The reference in the SCI is to clarify that any consideration of representations and	N/A

<p>comments as certain matters of legal compliance and duty-to-co-operate issues cannot be rectified once the document is formally submitted.</p>	<p>subsequent changes made after that consultation are not decided by the Council.</p>	
<p><b>Chapter 6 - Local Plan/DPDs/SPDs</b></p>		
<p>The Regulation 18 stage should have a more flexible approach as there is no limit to the number of Regulation 18 consultations a Council can hold. Suggested wording: The Council will engage with residents and stakeholders to identify the main subjects, options and preferred options for the plan for a time period relevant to the depth of matters under considered, with at least one consultation for a minimum of 6 weeks.</p>	<p>Agree</p>	<p>Amend Stage 2 as follows: <del>Draft planning document produced – people will have an opportunity to comment on the Council's preferred strategy or consider possible alternatives</del></p> <p><b>Identification of main subjects, options and preferred options.</b></p> <p><b>Who? <del>General invitation for people to make representations giving at least 6 weeks for people to comment</del></b></p> <p><b>The Council will engage with residents and stakeholders for a time period relevant to the depth of matters under consideration, with at least one consultation for a minimum of 6 weeks</b></p>
<p>The Council should consult for longer than 6 weeks even though this is the statutory minimum requirement.</p>	<p>The Council will consult for longer than 6 weeks depending on the depth and complexity of the subject of the consultation, stage in the planning process or time of year. The Regulation 19 consultation must be for a</p>	<p>N/A</p>

	<p>period of 6 weeks as set out in the Town and Country Planning Regulations 2012 (Regulation 35) and Section 113(4) of the Planning and Compulsory Purchase Act 2004.</p>	
<p>8. This section is orientated largely towards ‘consultation’ rather than ‘involvement’, the difference between their meanings seems lost on the author. If wider involvement is a genuine objective, then there should be ways in which people are enabled to take part in the process of developing policy rather than simply being consulted about policy that has been largely predetermined.</p> <p>29. The following comments refer to selected stages:</p> <p>a. Stage 1 -Evidence gathering etc – At this stage there should be a ‘call for evidence’ relating to the matter in hand. The call should be far reaching, widely publicised and supported by the methods suggested; it should not be limited to the audiences set out in the document.</p>	<p>Agree that Stage 1 could be amended to make this clearer</p>	<p>Amend Stage 1 as follows:</p> <p><b>Who?</b> Targeted consultation <b>and engagement</b> with some or all of the following: <b>Local residents</b>, Statutory Agencies, Town and Parish Councils, <b>Neighbourhood Plan groups</b>, Mayors Offices, Business Community, Developers, Community Groups, Residents Associations, Traders Associations</p>
<p>Comments that this section is confusing as it’s not clear if it refers to the SCI or the whole Local Plan process, and that the content is vague and non-committal.</p>	<p>The purpose of this section is to outline the processes for producing planning policy documents and where in those processes people can be involved. It does not refer to the SCI review. The content is to give an idea of the consultations which will take place at</p>	<p>N/A</p>

	various stages - the greater detail as to who and how is explained in greater detail in earlier chapters.	
Paragraph 6.1 - Suggests that this is re-phrased along the lines of "There are two types of planning policy document – Development Plan Documents, which includes the Local Plan and Supplementary Planning Documents	Agree	Amend para 6.1 as follows: There are two types of planning policy document - <b>Development Plan Documents, which includes the Local Plan Documents</b> and Supplementary Planning Documents
<b>Chapter 7 - Neighbourhood Plans</b>		
Potential conflict in stage 1. The draft SCI states 'The Council will consult for a minimum of six weeks to ensure that people who live, work or carry on business in the area have the chance to comment.' whereas this statement is correct if the neighbourhood area does not align with a parish council area, if the area does align with a then section 3 of regulation 5 of the The Neighbourhood Planning (General) Regulations 2012 (as amended) states that regulation 6 and 6a (publication for 6 weeks) does not apply. Where a proposed neighbourhood area aligns with a Parish Council boundary then the regulations set out 3 requirements the applicants must provide, boundary map, a statement why the area is considered appropriate for designation and a	Agree - this is a factual correction	Amend Stage 1 as follows: The Town or Parish Council apply to the Council for a specific geographic area to be designated to which the Neighbourhood Plan will apply. In Thanet the Neighbourhood Area is usually the Parish or Town boundary, <b>in which case the Council will designate the Neighbourhood Area. If the proposed Neighbourhood Area does not align with a Town or Parish boundary</b> the Council will consult for a minimum of six weeks to ensure that people who live, work or carry on business in the area have the chance to comment. The Neighbourhood Area is then either approved or refused by the Council <b>within the time limit specified in the Neighbourhood Planning Regulations</b> and the outcome publicised as required under the

<p>statement that the organisation or body making the area application is the relevant body (i.e that the Parish Council confirm they are seeking area designation). These three matters should be able to address under delegated authority as it leaves little scope for the Local authority to have grounds for refusal.</p>		<p>legislation. In areas where there is not a Town or Parish Council, those wishing to prepare a Neighbourhood Plan can establish a Neighbourhood Forum which must have a minimum of 21 Members. They must apply to the Council to designate a forum and the Council must consult on this. <del>Where possible, the Council will carry out consultations for a Neighbourhood Forum and a Neighbourhood Plan Area at the same time.</del></p>
<p>The SCI should specify how the Council will give advice or assistance throughout the Neighbourhood Planning process.</p>	<p>Agree</p>	<p>New paragraph 7.6:  <b>The Council will actively engage with Neighbourhood Plan groups, subject to resources, and provide advice and assistance on the following:</b></p> <ul style="list-style-type: none"> <li>● <b>The legal procedures and conformity matters</b></li> <li>● <b>The scope of a neighbourhood plan</b></li> <li>● <b>Related local plan and planning policy documents and up to date information on the Local Plan</b></li> <li>● <b>Requirements of other legislation such as Human Rights Act, the Habitats Regulations and Strategic Environmental Assessments</b></li> <li>● <b>Any updates on funding or grants available</b></li> <li>● <b>Relevant Local Plan evidence base</b></li> </ul> <p><b>The Council will also fulfil its statutory</b></p>

		<p><b>duties in the Neighbourhood Plan process:</b></p> <ul style="list-style-type: none"><li>• <b>Confirm that the draft plan meets the criteria in the Localism Act and Regulation 15 of the Neighbourhood Planning Act 2012. The Local Planning Authority can refuse to take forward a plan proposal if it does not comply with the criteria for a neighbourhood plan. The Local Planning Authority must notify the Qualifying Body (ie a Town or Parish Council or a Neighbourhood Plan Forum) whether or not they are satisfied that the proposal complies with the criteria for a neighbourhood plan. Where it is not satisfied the Local Planning Authority can refuse and must notify them of the reasons. It must also publicise its decision in a 'Decision Statement'.</b></li><li>• <b>Publicise the submission plan and other relevant documentation (under Regulation 16 of the Neighbourhood Planning Act 2012) and pass on representations to the Independent Examiner under Regulation 17 of the Neighbourhood Planning Act 2012.</b></li></ul>
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		<ul style="list-style-type: none"> <li>● <b>Appoint a suitable examiner in agreement with the Qualifying Body and submit the draft plan, supporting documents to the Independent Examiner under Regulation 17 of the Neighbourhood Planning Act 2012.</b></li> <li>● <b>Consider the recommendations in the Examiner’s Report, that the draft plan meets the basic conditions and publication of a ‘Decision Statement’ under Regulation 18 and 19 of the Neighbourhood Planning Act 2012 following the receipt of the inspectors report.</b></li> <li>● <b>Make arrangements, including the setting of a date, for the holding of the referendum.</b></li> <li>● <b>Adopt the plan under Regulation 19 and 20 of the Neighbourhood Planning Act 2012, within 8 weeks of a positive referendum vote.</b></li> </ul>
Can the Council ensure they can adequately resource the necessary support and assistance for neighbourhood planning	For 12 months, the Council had sufficient resources to employ an officer whose primary focus was supporting Neighbourhood Plans. Unfortunately, in that time, only one NP made significant progress. The Council	N/A

	did extend the role for a further 6 months, but at the end of that period had to discontinue the role due to resource constraints. The Council will continue to provide advice within the resources it has available.	
<b>Chapter 8 - Where to get help with a planning issue</b>		
<p>CPRE reference needs updating with the following details:</p> <p>CPRE Kent – the Countryside Charity</p> <p><a href="https://cprekent.org.uk/how-can-i-help/">https://cprekent.org.uk/how-can-i-help/</a></p> <p>CPRE Kent, Queen’s Head House, Ashford Road, Charing, Kent TN27 0AD</p>	Agree - this is a factual update	Update Section 8 with the details provided
<b>Chapter 9 - Planning Applications and Submissions</b>		
<b>Chapter 10 - Review of the SCI</b>		
The SCI should be kept under review and updated more regularly than every 5 years	The methods and detail in the SCI are flexible to enable the council to adapt to current circumstances or lessons learnt from previous consultations and still be in accordance with the SCI. More frequent reviews of the SCI could hold up the planning policy process as reviews are consulted on	N/A

	and adopted by Council	
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<b>Additions to Table 1 - Methods of Consultation</b>			
<b>Method</b>	<b>Useful for:</b>	<b>For us to consider:</b>	<b>Resources:</b>
<b>Add the following row to Table 1: Involvement of Town and Parish Councils</b>	<b>Understanding issues from a more local perspective, briefing for dissemination to the wider community</b>	<b>Method of engagement appropriate to the consultation - eg briefing for all Councils online or face to face, all councils together or separately. Potential to work with town/parish council for local consultation events</b>	<b>Staff availability</b>
Advert/leaflet/ <b>posters</b> in Local Papers, town/parish halls/libraries/other community spaces	Raising levels of awareness and publicising specific opportunities to get involved. Reaching a wider audience	The timescale needed to ensure availability at the beginning of a consultation period	Costs of advertising/printing/delivery
Exhibitions/Drop in Sessions	Provides an opportunity for two way dialogue. Accessible to broad audience	Information should be accessible to all in terms of mobility, understanding and times available. <b>Availability of resources/equipment to make the online consultation system available at venues</b>	Preparation costs, display materials and time needed can be significant. Additional staff time needed if exhibition is manned. Venue costs for hire.

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# Thanet District Council (TDC) Equality Impact Assessment Statement of Community Involvement

# Thanet District Council (TDC) Equality Impact Assessment: Statement of Community Involvement

**Step one: test for relevance**

## 1 Person responsible for this assessment

Name:	Adrian Verrall		
Job title:	Strategic Planning Manager		
Phone:	01843 577139		
Service area:	Housing & Planning	Date of assessment:	April/May/June 2021

## 2 Others involved in carrying out the analysis

Name:	Jo Wadey, Strategic Planning Officer
Name:	Iain Livingstone, Planning Applications Manager
Name:	Estelle Culligan, Director of Law and Democracy

## 3. Description of strategy, policy, service, project, activity or decision

Title:	Statement of Community Involvement (SCI)
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Is it new?	Yes	<input type="checkbox"/>	No	<input checked="" type="checkbox"/>
A review of existing?	Yes	<input checked="" type="checkbox"/>	No	<input type="checkbox"/>

### 3.1 Aims and objectives

**Consider:** what you are doing? why you are doing it? who will benefit?

The purpose of the SCI is to set out the ways in which the Council will engage with local communities regarding planning matters, both in plan-making and planning applications. It is a statutory requirement for the Planning Service.

The SCI needs to be updated to reflect changes since the current SCI was adopted. This should benefit all parts of the local community in their engagement with the planning system.

**It should be noted that this assessment relates only to the operation of the Statement of Community Involvement and to the methods by which the Council will consult on planning matters. It does not relate to the assessment of Local Plan proposals and planning applications, which are subject to separate statutory processes.**

3.2 What outcomes are expected? Who is expected to benefit?

The intended outcome is to ensure that anyone in the district can participate in planning matters, by a range of different means.

This does not necessarily mean that more people will participate in planning consultations/ engagement, just that as many people as possible will have the opportunity to do so.

## 4 Who is affected?

4.1 Which groups or individuals does the strategy, policy, service, project, activity or decision affect? For example, the Council, employees (including temporary workers), other public authorities, contractors, partner organisations, wider community, others.

The Council; wider community; partner organisations; statutory consultees.

4.2 Does the strategy, policy, service, project, activity or decision relate to a service area with known inequalities? (Give a brief description).

No.

## 5 Equality Act 2010

How does the strategy, policy, service, project, activity or decision actively meet the public sector equality duties to:

**Eliminate unlawful discrimination** (including harassment, victimisation and other prohibited conduct)

N/A.

**Advance equality of opportunity** (between people who share a protected characteristic and people who do not share it)

The SCI is intended to ensure that all members/sectors of the community have the opportunity to participate in the planning process; whether in terms of plan-making or planning applications.

**Foster good relations** (between people who share a protected characteristic and people who do not share it). Could it have an adverse impact on relations between different diverse groups?

N/A.

### 6 Priority

The following questions will help you to identify whether this 'service' is a high priority. Please answer all questions with particular reference to the protected characteristics; race, gender, gender reassignment, disability, religion or belief, sexual orientation, age, marriage and civil marriage/partnership and pregnancy and maternity.

# Agenda Item 5

## Annex 2

**Please provide a comment for each answer, providing evidence for your answer, regardless whether you have answered yes or no.**

Questions	Yes	No
1. Are there any particular groups who may have trouble accessing the 'service'?	x	
<p><b>Comments:</b></p> <p>Potential language barrier for some community groups - the Council offers translation services for people for whom English is not their first language. As the Local Plan itself is a large document, the Council could provide a translation of a non-technical summary document.</p> <p>Age - ability to access information - there is currently no evidence to indicate that fewer older people take part in planning consultations. There is a suggestion that online-only consultations may deter older people who either do not possess internet access, or perhaps the necessary IT knowledge, to participate. However, there is no intention to use such an approach, but just to broaden the use of IT as part of the response to changing lifestyles and to the impact of COVID19. This would be in addition to other consultation and engagement methods.</p>		
2. Does your information suggest that some groups of people are less satisfied than others with this 'service'?		x
<p><b>Comments:</b></p> <p>No specific indication has been given that particular groups of people are less satisfied than others.</p>		
3. Will this service have a significant impact on any of our residents?		x
<p><b>Comments:</b></p> <p>This EqIA relates to the SCI, not the operation of the planning system itself. The assessment of the impact of detailed proposals in Local Plans and planning applications are subject to separate processes.</p>		
4. Do you have any evidence that discrimination, harassment and/or victimisation could occur as part of this service?		x
<p><b>Comments:</b></p> <p>No.</p>		
5. Do you think the service will hinder communication and negatively impact relations between the organisation and its employees, residents, contractors or anyone else?		x
<p><b>Comments:</b></p> <p>No. It is designed to improve communication between these groups.</p>		
6. Does this service need to improve the way in which it is communicated to people who have literacy, numeracy or any other access needs?		x
<p><b>Comments:</b></p>		

This service does involve the dissemination of quite a lot of technical information. However, both parts of the service offer “help-lines” for people to telephone for advice, and during Local Plan consultations, it is standard practice to arrange drop-in sessions/exhibitions, which provide people the opportunity to ask questions.

7. Does consultation need to be carried out?

x

**Comments:**

Consultation has been undertaken in relation to the draft SCI. 74 responses were received, a number of which related directly to equalities matters:

- The changes in communications methods since the last review offer new opportunities but also risk greater exclusion, particularly for those unable to access digital systems
- Face-to-face engagement should be held in venues that provide reasonable access to all, in line with the Equality Duty 2010
- Online documents should meet the Government's accessibility requirements
- Are there additional ways to support and reach out to people with protected characteristics and other marginalised or harder to reach communities – for example, through correspondence with faith, voluntary, community and social enterprises and other stakeholder organisations in Thanet?
- For exhibitions and drop-in sessions, venues should provide reasonable access to all, in line with the Equality Duty 2010.

The SCI provides a “menu” of engagement and consultation methods, and the Council will seek to use those methods flexibly, depending on the nature of the topic. The Council always uses a combination of digital, non-digital and in-person engagement and consultation for the Local Plan process (although this has necessarily been limited by the COVID pandemic in the latter stages of the Local Plan process). The Council is producing all new documentation in an accessible format.

In order to assess the priority of your ‘service’ please complete the table below by adding up how many questions you answered yes to and following the appropriate action.

Priority	Number of questions answered ‘yes’	Rating	Action
High	3 or more		Continue to section 2
Medium	1 to 2	*	Please provide evidence to any questions you answered ‘yes’ to in section 1. Test for relevance complete (sometimes a full assessment may be required).
Low	0		Test for relevance complete.

**If, following the completion of the test for relevance, a full assessment is not required, go straight to the declaration. If a full assessment is required, go to Step two: full equality impact assessment.**

# Agenda Item 5

## Annex 2

**Step two: full equality impact assessment**

1 Could the strategy, policy, service, project, activity or decision have a **negative, positive or neutral** effect on groups or individuals?

**Consider:**

**What** you are doing?

**Why** you are doing it?

**How** you are doing it?

**Who** can access the service easily and who may not be able to access the service and **why**?

**The full analysis explores ways to reduce or eliminate barriers and/or negative impacts.**

Protected characteristics	N e g a t i v e	P o s i t i v e	N e u t r a l	Evidence/Reasoning (Consider any barriers which will have negative impact and/or good practices giving positive impact)
<p><b>Age</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• The way younger and older people access services may be different</li> <li>• Use of technology</li> <li>• Child care/care of other dependant</li> <li>• Timings/flexibility, such as work patterns</li> <li>• Transport arrangements</li> <li>• Venue location</li> </ul>				<p><b>Recommendations:</b></p>
<p><b>Disability (Includes: physical, learning, sensory (deaf/blind), mental health)</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• Communication methods</li> <li>• Accessibility – venue, location, transport</li> <li>• Range of support needed to participate</li> <li>• Hearing Loops/Interpreters</li> <li>• Disability awareness training for employees</li> </ul>				<p><b>Recommendations:</b></p>
<p><b>Race (Includes; gypsy, travelling, refugee and migrant communities)</b></p> <p><b>Consider:</b></p>				<p><b>Recommendations:</b></p>

<ul style="list-style-type: none"> <li>• The size of the BME communities that your service/project affects.</li> <li>• Language(s) spoken/understood.</li> <li>• Culture, such as hygiene, clothing, physical activities, mixed gender activities.</li> <li>• What access support can you offer?</li> </ul>			
<p><b>Religion, faith or belief</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• The diversity within the communities that your service/project affect</li> <li>• Prayer times, meal times, food (some religions do not eat meat), cultural habit or belief, religious holidays such as Ramadan</li> <li>• Awareness training for employees</li> </ul>			<p><b>Recommendations:</b></p>
<p><b>Pregnancy and maternity</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• Flexible hours of the service/project</li> <li>• Is there access to private area for breastfeeding mothers?</li> </ul>			<p><b>Recommendations:</b></p>
<p><b>Gender</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• The impact on men and women</li> <li>• Child care/care of other dependant</li> <li>• Mixed/single gender groups/activities</li> <li>• Timing of services/projects</li> </ul>			<p><b>Recommendations:</b></p>
<p><b>Sexual orientation (Includes: lesbian, gay, bisexual)</b></p> <p><b>Consider:</b></p> <ul style="list-style-type: none"> <li>• LGB people should feel safe to disclose their sexual orientation without fear of prejudice</li> <li>• Make it clear you recognised civil</li> </ul>			<p><b>Recommendations:</b></p>

marriage and partnerships <ul style="list-style-type: none"> <li>Awareness training for employees</li> </ul>				
<b>Transgender</b> <b>Consider:</b> <ul style="list-style-type: none"> <li>Trans people should be able to disclose their gender identity without fear of prejudice</li> <li>Making it clear you have a Trans policy and process</li> <li>Awareness training for employees</li> </ul>				<b>Recommendations:</b>
<b>Marriage and civil marriage/partnership</b> <b>Consider:</b> <ul style="list-style-type: none"> <li>All couples or partners, regardless of gender, should be able to access services</li> </ul>				<b>Recommendations:</b>

<b>Outsourced services</b>	
If your policy/process is partly or wholly provided by external organisations/agencies (such as Civica or Capita), please list any arrangements you plan to ensure that they promote equality and diversity. Include this in your improvement plan	
<b>Relations between different equality groups</b>	
Does your assessment show that a strategy, policy or process may amount to potential adverse impact between different equality groups? If yes please explain how the improvement plan is going to tackle this issue	
<b>Consultation responses</b>	
Summary of replies from individuals and stakeholders consulted including any previous complaints on equality and diversity issues about the strategy, policy or process	

<b>Summary of recommendations</b>		
<b>Actions</b>	<b>By Who</b>	<b>By When</b>

**Declaration**

I am satisfied that a Test for Relevance has been carried out on the matter named in this Analysis and conclude that a full Equality Impact Assessment **is not required**.

Yes  No

If you do not think that a full Equality Impact Assessment is required – please give your reasons:

The Test for Relevance identifies two groups who might potentially be affected by the service, and the assessment sets out the Council’s current practice in relation to these matters.

I confirm that a full Equality Impact Assessment has been completed.

Yes  No

Signature of Head of Service:

Date:

Recommendations agreed:

Yes  No

Signed:  
(Director):

EIA date:

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## Capital Programme Scheme - Margate Town Deal

<b>Meeting</b>	31 August, 2021
<b>Report Author</b>	Louise Askew, Director of Regeneration
<b>Portfolio Holder</b>	Cllr Reece Pugh, Deputy Leader and Cabinet Member for Economic Development
<b>Status</b>	For Recommendation
<b>Classification:</b>	Unrestricted
<b>Key Decision</b>	Yes
<b>Reasons for Key</b>	Addition of a new scheme within the Council's Capital Programme from Grant funding
<b>Ward:</b>	All wards in Margate

### Executive Summary:

This paper sets out the requirement to approve an additional scheme within the Capital Programme, for the externally funded capital grant that will be received for the delivery of the Margate Town Deal. As the Accountable Body, Thanet District Council will receive the funding to be allocated against pre-agreed projects, in order for them to be delivered. It is a Constitutional requirement that these funds are added into the Capital Programme in order to be able to spend the funds.

Cabinet are asked to approve the addition within the Capital Programme, so that when the grant funding is received from the Ministry of Housing, Communities and Local Government (MHCLG) it can be added, and project delivery can start.

### Recommendation(s):

Approve the addition of a new scheme into the Capital Programme from external funding (Towns Fund), but recognise the potential need to transfer an element of this funding to Revenue, subject to final approval. The value of the scheme will be no more than the total £22,200,000, this being the maximum award from the Ministry of Housing, Communities and Local Government, for delivery of the pre-agreed projects within the Margate Town Deal.

### Corporate Implications

#### Financial and Value for Money

The Council is the Accountable Body for the Margate Town Deal. These responsibilities include, but are not limited to:

- Upholding the Seven Principles of Public Life (Nolan Principles)
- Ensuring decisions are made by the Margate Town Deal Board in accordance with good governance principles

# Agenda Item 6

- Ensuring transparency requirements are met
- Providing a Local Assurance Process for the sign off of Project Business Cases and the submission of a Summary Document to MHCLG.
- Receiving and accounting for the Town's funding allocation
- Monitoring and evaluating the delivery of individual projects
- Submitting regular reports to MHCLG

The agreed Town Deal projects are being developed through the Government's Green Book Business Case framework. Each project will have a Business Case that will test its ability to deliver the Government's requirements for the Town Deal programme, and deliver value for money for the public funds (Towns Fund). Through the business case process, the specific details about delivery, costs and outcomes will become more specific. Once the Business Cases for the Town Deal projects have been through the Council's own assurance process, the Chief Executive and Section 151 Officer are required to provide an assurance statement to MHCLG as part of a Summary Document, prior to the release of funding.

The Section 151 Officer is required to scrutinise and approve regular monitoring returns (at least six monthly) to MHCLG. These returns will cover actual and forecast spend, alongside output metrics.

The grant funding will be drawn down on the basis of project delivery outlined in each of the individual Business Cases, therefore the Council will not have the whole Town Deal capital funding in the programme at any one time. Some of the projects are being delivered by third parties and their funding will be allocated on the basis of signed funding agreements. These agreements will ensure the projects deliver against the vision and outcomes identified in the Town Investment Plan, the basis of their Business Case, Council due diligence, and assurance. This will also include agreement to provide the required monitoring and evaluation requirements for MHCLG and the Council as Accountable Body.

The scheme is to be added into the Capital Programme at the the total maximum amount of £22.2m but it is recognised that an amount (currently unspecified) may end up being classified as Revenue. This agreement will ensure that the full allocation is allocated and available subject to additional information being made available identifying the final Capital Revenue splits.

## **Legal**

There are no legal implications arising directly from this report.

## **Corporate**

Thanet District Council is the Accountable Body for the Margate Town Deal, however, there is a Board in place made up of statutory, community and business representatives who are responsible for signing off (alongside the Council) the Margate Town Investment Plan. The Board provides strategic oversight to the delivery of the Margate Town Investment Plan and its projects, ensuring that delivery relates back to the evidence and the vision and objectives of the Margate Town Investment Plan. The Board has a set of Governance arrangements in order to reduce any risks from the Board to the Council.

The Margate Town Deal supports the Council’s corporate priority for Growth, including encouraging the rejuvenation of our high streets and continuing to promote tourism.

## 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 Introduction and Background

1.1 A Town Investment Plan for Margate was submitted to the Ministry of Housing, Communities and Local Government (MHCLG) in December 2020. In March 2021 the Margate Town Deal Board received Heads of Terms from MHCLG with an in principle offer of up to £22.2m to deliver the Margate Town Investment Plan. The Margate Town Deal Board and project team submitted a final prioritised project list in June 2021. The Investment Plan and other related documents are available on the Councils [website](#)

1.2 The final project list, including the funding allocation that was agreed by the Board on 14 May, 2021 and is as follows:

Intervention	Description	£'m
<b>Intervention 1: Scaling Creative Production and Skills</b>	Creative Land Trust	6.000
	Outreach programme Revenue	0.900
	Theatre Royal	2.000
	<b>Sub-total</b>	<b>8.900</b>

<b>Intervention 2:</b>  <b>Coastal Wellbeing</b>	Access Walpole	1.100
	Testing new uses, participation and skills programme (Including Revenue)	1.200
	Improved Coastal Environment: Oval Bandstand	0.500
	Improved Coastal Environment: Skatepark	0.750
	<b>Sub-total</b>	<b>3.550</b>
<b>Intervention 3:</b>  <b>Active Movement and Connections</b>	Highway Interventions	<b>5.250</b>
	Public Realm Interventions	
<b>Intervention 4:</b>  <b>Heritage Assets</b>	Dreamland	4.000
	Winter Gardens (Revenue)	0.5
	<b>Sub-total</b>	<b>4.500</b>
<b>Total</b>		<b>22.2</b>
Total Capital		<b>20.1</b>
Total Revenue		<b>2.1</b>

- 1.2 All the investment and costs associated with the Margate Town Deal are fully funded from external grants and contributions. Governance arrangements will be put in place to ensure all expenditure relating to the interventions will be managed within the total package of funding provided, to ensure there is no risk of financial exposure to the Council.
- 1.3 The MHCLG, the Council, and the Chair of the Margate Town Deal Board have signed a Heads of Terms agreement that offers the Margate Town Deal up to £22.2m for delivery of the projects in the Margate Town Investment Plan. This is a mainly capital programme, with some revenue funding to support specific projects. The Council constitutional financial requirements are that the capital funding is required to be in the Capital Programme.

## 2.0 Capital Development Funding

- 2.1 The Council is waiting for a formal response from MHCLG on its submitted project

list. However, the Project Team has received correspondence from MHCLG to state that there has been a recent development in the funding policy of the Town Deal and to help with project delivery, MHCLG will be releasing early a payment of 5% of our total Heads of Terms offer. This payment will be made once we have heard back from MCHLG on the project submission. This Capital Development funding is required to be spent before any other Town Deal funding can be drawn down.

- 2.2 The allocation of this Capital Development funding for project development will be reviewed on a project by project basis and will be considered when the Project Team commission specialist consultants, during the first week in September 2021, to support the technical development of the Business Cases. The allocation of this funding further supports the requirement that the Council can not be in any financial risk due to the Margate Town Deal, and will allow for greater degree of project development ahead of Business Case completion.
- 2.3 Subject to the final offer and approval from MHCLG, on the basis of the offer of up to £22,200,000, it is expected that no more than £21,000,000 of the Margate Town Deal will be Capital, with the remaining being revenue funding. It will only be when final approval is gained from MHCLG on the Business Cases that the Capital Revenue split will be clear. The guidance outlined that the Town Deal programme was to be 90% capital funding.

Contact Officer: *Louise Askew, Director of Regeneration*  
Reporting to: *Madeline Homer, Chief Executive*

## **Background Papers**

Margate Town deal website: <https://www.thanet.gov.uk/campaigns/margate-town-deal/>

## **Corporate Consultation**

**Finance:** *Matthew Sanham (Financial Services Manager)*

**Legal:** *Christian Seaward (Principal Lawyer - Property)*

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