

COUNCIL

Minutes of the meeting held on 14 July 2022 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Jason Savage (Chair); Councillors Albon, Ara, Ashbee, Austin, Bailey, Bambridge, J Bayford, R Bayford, Boyd, Braidwood, Coleman-Cooke, Crittenden, Currie, Day, Dexter, Duckworth, Everitt, Fellows, Garner, Hart, Hopkinson, Huxley, Keen, Kup, Leys, Pat Moore, Paul Moore, Anne-Marie Nixey, Parsons, L Piper, Rev. S Piper, Potts, Pugh, Rattigan, Rawf, Rogers, D Saunders, M Saunders, Scobie, Scott, Shonk, Shrubb, Smith, Tomlinson, Towning, Wallin, Whitehead, Wing, Wright and Yates

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dennis, Farrance, Gregory, Ovenden and Rusiecki.

2. MINUTES OF THE PREVIOUS MEETING

(a) Minutes of the Annual Meeting Of Council 12 May 2022

It was proposed by the Chair, seconded by the Vice-Chair and agreed that the minutes of the annual Council meeting held on 12 May 2022 be approved and signed by the Chair.

(b) Minutes of the Extraordinary Council Meeting held on 19 May 2022

It was proposed by the Chair, seconded by the Vice-Chair and agreed that the minutes of the extraordinary Council meeting held on 19 May 2022 be approved and signed by the Chair.

(c) Minutes of the Extraordinary Meeting of Council held on 8 June 2022

It was proposed by the Chair, seconded by the Vice-Chair and agreed that the minutes of the extraordinary Council meeting held on 8 June 2022 be approved and signed by the Chair.

3. ANNOUNCEMENTS

The Chair announced that former Councillor Beverley Martin had recently passed away. It was noted that Councillor Martin was a Councillor for Central Harbour ward between 2015 and 2019.

Members paused for a minute's silence in respect of Councillor Martin.

Councillor Reverend Piper and Councillor Ashbee paid tribute to Councillor Martin.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. PETITIONS

(a) Petition regarding Winter Gardens Public meeting

Councillor Yates presented a petition requesting that Thanet District Council set up a public meeting whereby the public can show their support for the venue, ask questions, and hear what the long term strategy is for the building before it is closed. Members noted that the following petition contained 2000 signatures at the time of submission:

"The Margate Winter Gardens has been open and supporting the Thanet community for 110 years, the last time it was closed was during World War II. The 2,000-capacity venue has created enormous value for the local area, supporting local jobs and entertaining hundreds of thousands over the years.

It is set to close in August 2022, following the early termination of the Your Leisure lease.

This petition is a call on Thanet District Council to set up a public meeting whereby the public can show their support for the venue, ask questions, and hear what the long term strategy is for the building before it is closed."

Following the debate by Members, and in accordance with the Council's Petition Scheme, the petition was referred to Cabinet. There would be a report back to Council within three ordinary meetings.

6. QUESTIONS FROM THE PRESS AND PUBLIC

There had been no question received from the press and public in accordance with Council Procedure Rule 13.

7. QUESTIONS FROM MEMBERS OF THE COUNCIL

(a) QUESTION NO.1 FROM A MEMBER REGARDING THE MONITORING OF SUCCESS FOR FORMER COUNCIL ASSETS

Councillor Crittenden asked Councillor Pugh the following question:

"The recent publicity surrounding the sale of the Granville Cinema has brought into focus the sad plight of some of the other community asset disposals from recent years.

What policies and procedures are in place to enable Thanet District Council to monitor the long term success of the sale of assets, large or small, land or buildings, against the expectation not only of achieving the best value income for the Council, but also against realising the goal of retaining these assets for long term community use and benefit? And how does the Council use this information in order to improve outcomes for the future?"

Councillor Pugh responded with the following points:

- Thanet District Council had a Community Asset Transfer Policy that was adopted by the Cabinet on 30 January 2018. The purpose of the policy was to create a transparent framework for decision making regarding the transfer of assets of community value to community and voluntary organisations that work in Thanet. All community asset transfers had been assessed in line with this policy.
- Community Asset Transfer was a voluntary process entered into proactively by public bodies. It involved the transfer of management and/or ownership of public land and buildings from its owner (usually a local authority) to a community organisation for less than best consideration. The discount is based upon a presumption of long-term social, economic or environmental benefit.
- A viable business plan was at the heart of a community asset transfer including a realistic assumption about ongoing revenue and the cost of operation.
- Organisations should be accountable to the community with secure local involvement and community engagement, often with charitable purposes.

- Thanet District Council was dedicated to improving and consistently adopting best practices and building on these. As a result, TDC were including covenants where appropriate to ensure community use in perpetuity.
- In instances where Community Asset Transfer was not appropriate, TDC would seek to market properties on the open market, for a predetermined period of time, to ensure the disposal was fair, open and transparent, and the best consideration would be achieved.
- Examples of where a community asset transfer would not be possible include where the asset is surplus and the proceeds of the sale were required as a capital receipt to fund the capital programme, thus bringing alternative benefits to the community, through the completion of other programmes of work. Other examples included where an asset was held for regeneration or housing purposes or where the council had an on-going operational use for a building or site.
- It could also be the case that there are no viable community applications that could successfully protect a community asset into the future.
- The council was committed to making the best possible use of all of its land and property assets to support improvements in services and facilities for local people. At the same time TDC were acutely aware of the need for long term viable business plans to support the ownership of community assets and the limitations on available resources to support projects.

Councillor Crittenden followed up her question by asking whether there would be guaranteed information in the contract that would be signed which would mean that the building would not rot?

The Chair reminded Members that there was a time limit for supplementary questions.

Councillor Pugh responded with the following points:

- The administration had been trying to do things differently to previous administrations. This included changing the way things had been done, for example through safe guarding buildings for the community and exploring the sale of assets through conditional sales.
- The council would do everything they could to ensure the long term viability of assets for the community.

(b) **QUESTION NO.2 FROM A MEMBER REGARDING MINERALS AND AGGREGATES AT THE PORT OF RAMSGATE**

Councillor Wing asked the Leader the following question:

"It is clear that a wide variety of aggregates and minerals are delivered, stored and used at the port of Ramsgate, some of which may be hazardous, as part of the Aggregate operation and Cement Batching Plant, which are run as 2 separate businesses. Residents have been reporting a significant increase over the last decade since the cement batcher arrived and more so within the last few weeks, all of which can be visually evidenced. Please could you tell me what these aggregates/minerals are, whether they present any hazards to residents/workers living within 350m of the site and what health and safety measures are in place to prevent dust from leaving the site?"

The Leader responded with the following points:

- Aggregate that arrived at the port was a natural product dredged from the sea. The Bretts Aggregates Ltd operation was not subject to environmental permitting and the site was not considered in the regulations as a facility that can harm the environment or human health. Sand particles were generally greater than 0.5mm

in size and the aggregate site is circa 300m from dwellings, so was not considered in air quality guidance as requiring monitoring.

- The adjacent concrete batching plant operated by Brett Concrete Ltd had an Environmental Permit to control potential cement emissions. Cement has a high pH and is prescribed in the Environmental Protection Regulations 2016 and therefore must have a permit, which conditions how the silo for cement storage is to be maintained. The site was subject to annual inspection to check compliance with the permit requirements.
- Bretts were unable to land fine aggregates with the self discharging vessel DC Vlaanderen during the Berth 4/5 construction works period. To avoid having fine aggregates (as well as coarse aggregates) delivered by road, a 3 month licence had been granted to stockpile on an area adjacent to Bretts current site. Bretts increased the frequency of deliveries up to the start of the works to keep the site running until the new berth is ready. This was not an indication of increased aggregate volumes and there was nothing to suggest that the total tonnage for 2022 would be any greater as a result of this temporary licence.

Councillor Wing followed up her question by asking the Leader why there had not been regular damping down and wheel washing in the last three years, as per the health and safety measures at the port?

The Leader responded that she was not aware of this particular requirement. The Leader would ask the appropriate officer and provide Councillor Wing with the answer.

(c) **QUESTION NO.3 FROM A MEMBER REGARDING RIGHT TO BUY LEGISLATION**

Councillor Huxley asked Councillor J. Bayford the following question:

“Under the current council housing Right To Buy legislation, TDC is only allowed to use approximately 33% of its council housing sales receipts to build new council homes in Thanet. Another 33% of each sale goes on administrative fees and servicing the debt in TDC's Housing Revenue Account, and the balance of the money (34%) goes back to the Treasury (central government). The Local Government Association is campaigning for all local councils in England to be allowed to keep 100% of the Right To Buy money, a policy initiative that all councils support. Given the acute shortage of social housing in Thanet, what is TDC's Cabinet doing to lobby the area's two MP's and the Secretary of State for Housing to achieve a reform of the scheme, so that 100% of council house sales receipts are retained by TDC?”

Councillor J. Bayford responded with the following points:

- As Cabinet member with responsibility for housing, the council's commitment to providing new affordable homes for rent to local people was fully endorsed, including new council homes. Since 2014 the council has built or acquired 147 new affordable homes for rent through its own programme. This represents a total investment of £26.5m.
- TDC are committed to continuing this work, there had been an on-going programme of building funded through our Housing Revenue Account. HRA Business Plan projections suggest that TDC could continue to invest around £8.1m of capital funding per year over the coming 10 years, which included the use of recycled RTB receipts.
- The critical importance of this investment, including the recycled use of Right to Buy receipts was set out in the council's adopted Housing, Homelessness and Rough Sleeping Strategy.
- The council's Housing Revenue Account Business Plan also recognised the negative impact that the RTB rules have on the long term viability of funding for

the council's housing stock and its ability to secure borrowing for investment in new homes.

- These issues had been repeatedly raised with the government; there was support for the review of Right to Buy arrangements to enable full retention of the receipts locally and greater flexibility in their use.
- The council responded to the 2020 Comprehensive Spending Review consultation, and specifically commented on the use of RTB receipts, requesting, 'Relaxations of the restrictions on the use of right to buy receipts, enabling 100% of the receipt to be used locally for new homes and for this funding to meet a greater proportion of the costs of a new home over a longer timescale.'
- On 25 February, Councillor Bayford personally wrote to the Minister for Housing setting out the urgent need for new affordable homes in the district and seeking a long term, stable funding arrangement for the delivery of affordable homes. The response, received on 1 July 2022, failed to commit to any new funding for affordable homes nor to councils retaining an increased proportion of RTB receipts. Councillor Bayford would be writing again to further press the point about 100% of RTB receipts being retained locally.

Councillor Huxley followed up her question by asking whether Councillor Bayford thinks the government's plan to extend the right to buy legislation is a good policy and why?

Councillor J. Bayford responded that she thought the policy was a good idea. Unfortunately, some residents had to be housed outside the area as there were not houses available locally.

(d) **QUESTION NO.4 FROM A MEMBER REGARDING GLYPHOSATE WEED KILLER**

Councillor Keen asked Councillor B. Bayford the following question:

"It is disappointing that the Council have gone back to using Glyphosate weed killer and the trial to use bio herbicides did not deliver a satisfactory outcome. Will the Council commit to providing more resources to investigate and trial more environmentally friendly alternatives, in line with our declared climate emergency?"

Councillor B. Bayford responded making the following points:

- It was disappointing that the bioherbicide did not work effectively. TDC had returned to using Hi-Activ but only in specific areas and the use would be as little as possible.
- Crucially, it had been agreed that Hi-Activ would not be used in the following areas:
 1. Playgrounds.
 2. Greens along the seafront: some strimming will take place instead.
 3. Around trees: We will continue to use wood bark around trees.
 4. In flower beds.
 5. Around shrubs or hedges.
- It was important to the council to reduce chemical use wherever possible and the council would continue to investigate alternative options for next year, working with the Bumblebee Trust and KCC. It was recognised that alternative approaches may require additional resources and as such Acting Deputy Chief Executive Chris Blundell suggested in the recent CAG meeting that TDC could consider the affordability of other weed control measures as part of future budget setting discussions.

Councillor Keen followed up her question by asking if the council would join other councils in transitioning to becoming pesticide free? Councillor Keen was concerned about the use of glyphosate around social housing.

Councillor B. Bayford responded that Hi-Activ was not dangerous, and was sprayed in dry weather before the weeds flower. The spray dried quickly. In some areas around social housing the spray needed to be used, this was due to large build up of weeds which would create trip hazards. Unfortunately, the weed killer that the council would like to use simply did not work. Alternatives would be looked at, and this was something in which the council was committed to.

(e) **QUESTION NO.5 FROM A MEMBER REGARDING BEACH HUTS**

Councillor Austin asked Councillor Pugh the following question:

"Our colourful beach huts are popular with both visitors and residents, offering a traditional English beach holiday experience for modest outlay as the cost of living rises. But sadly our supply here isn't keeping up with demand, thus disappointing potential renters and reducing income into Thanet.

For Ramsgaters this is particularly frustrating: we have good locations and have been asking for beach huts for years, but remain an almost totally beach hut-free zone!

The exception is our solitary 'Community Beach Hut' – but it's been closed since Covid, and residents hoping to run children's activities there this year have been told it's unavailable.

Could you please advise:

- Do all Thanet's beach hut rentals sit with YourLeisure or do we manage any ourselves?
- What information do we have about the income they generate?
- Are our Community Beach Huts closed to our communities again this summer - and if so, why?"

Councillor Pugh responded, making the following points:

- The management of Beach huts predominantly was undertaken by Your Leisure as part of our partnership we have with them.
- The exception to this was the community beach huts, which were managed directly by TDC.
- There were two Community Beach Huts in Thanet, one in Ramsgate and one in Margate. The aim of these Beach Huts was to provide a resource to community organisations. In 2019 there was a discussion with Ramsgate Town Council about the organisation and management of the Community Beach Hut, however at that time the Council was not in a position to support the delivery of the Beach Hut.
- Councillor Pugh was happy to have a discussion about the Town Council being involved in the running of the Beach Hut, as this is something the council was challenged with in terms of our current resources.
- As TDC did not directly manage beach huts, they were not involved in the setting of Fees and Charges or the associated income generated from them. Your Leisure publish annual accounts and as part of this they show total income generated from the Foreshore across their provision, further information on this could be requested from Your Leisure.

Councillor Austin followed up her question by asking if there were any plans on capitalising opportunities with regards to the beach huts? Opportunities such as day hire, long term hire, overnight stays and providing hard pressed families with affordable holidays.

Councillor Pugh responded that beaches were free to the public. It was not for TDC to decide on these opportunities as the beach huts were managed by Your Leisure. However, a conversation regarding these opportunities could be instigated with Your Leisure. The issue of beach huts in Ramsgate was more complicated than initially suggested.

8. NOTICE OF MOTION

(a) Motion regarding requesting additional government resources

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

“This council welcomes the introduction by the government of a windfall tax on the profits of energy companies and the use of the receipts to provide some mitigation for the public against spiralling domestic fuel bills.

However, it notes that with UK price inflation expected to reach 11 per cent, compounded by area-specific rent inflation, many Thanet residents and members of the council's own workforce will still struggle to cope financially over the coming months. In addition, inflationary pressures will bear down on the council's ability to provide essential services at existing levels as external costs such as bills from suppliers continue to rise.

We call upon the government to increase central funding to this authority in order that we can protect the delivery of the basic services our community relies upon without further penalising the hard-working staff who provide them.”

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

Members debated the motion, Members agreed and the motion was carried.

9. LEADERS REPORT

The Leader, Councillor Ashbee, presented her report to Council, covering the following key points:

- The meeting would hopefully seek the appointment of the Interim Chief Executive and Head of Paid service, and the Interim Monitoring Officer. This would be continuity and stability to the council.
- Thanks were offered to officers and staff for their commitment during the recently experienced difficult period. Particular thanks were offered to senior management teams over the last months for the extra responsibility whilst the future structure was put in place.
- There was still a lot of work to do in the last 9 months of the term, but good progress could be made. It was asked that everyone supported a positive attitude of the council.
- Members had been briefed on the new approach of street cleansing, and how this would be operated.
- The district faces many challenges in the operational area, but the new structure plan would achieve good results.
- The local plan, adopted in July 2020, covered the period up to 2031. The government directed the council to complete a review to cover a further additional 9 years, up to 2040. Cabinet had agreed that the timetable set out by the government was not realistic and noted this as unachievable.
- Reintroduction processes of the Ramsgate Outdoor Market had begun. The council would be putting this out for tender for a new operator, with various locations being considered.

- Marketing exercises of the Old Town Hall in Margate had also begun. There was significant amounts of renovation work required, and this was to be reflected in any lease deal. Importance was placed on finding a new tenant to bring the building back to life.
- The future of the Westbrook Loggia building would be determined through the disposal framework. The framework included specific sale conditions relating to its use, the development timescales and buy back in any events of failure to deliver.
- An extensive refurbishment of the children's playground in Cliftonville had taken place, and the playground was reopened on the 1st June. The playground would now be known as the Jubilee Play Park, in honour of the Queen's jubilee. Renovation costs had been paid for by KCC community park funding.
- The prosecution of the owner of a Grade II listed building in Westgate was successful. This had been ordered by Magistrates, the owner was to pay a total of £50,130.
- The £150 energy rebate scheme had been successfully paid out over £8.4 million to more than 56,000 properties.

Councillor Everitt as Leader of the Labour Group made the following points:

- The council was entering another stage in a long progress regarding senior leadership. Difficult challenges remained.
- The presentation on street cleaning was interesting. However, the question is whether residents see an improvement over time.
- Residents in Ramsgate did not want the Ramsgate Market to be moved from outside of the central town.
- Cliftonville West Councillors welcomed the Jubilee Play Park and the new equipment.

The Leader responded to Councillor Everitt's comments with the following points:

- The cabinet would do everything they could to deliver in the last 9 months of term; this included everything the cabinet could do for the Winter Gardens.
- The Ramsgate Market was a long and drawn out process, with rules and regulations which would be followed. The process gave residents a choice, and council would listen to the consensus regarding where the market should be stationed.

Councillor Garner as Leader of the Green and Independents Groups made the following points:

- Thanks were offered to the Leader.
- Additional thanks were offered to officers, particularly to senior officers which had stepped up in previous months. Hopes were that this signalled a better working atmosphere where officers and members supported each other.
- It was recognised that there was a great deal of work left to do. This success would be judged when there was a fit for purpose constitution and governance structure.
- Keeping the streets clean was especially challenging in the summer months due to welcoming thousands of visitors every day in the district. It was important to find ways to push forth with this, encouraging visitors to be more respectful with their litter, and taking action on those individuals who are not respectful with their litter.
- It was vital to provide proper traveller sites.
- Progress was welcomed regarding reintroducing Ramsgate Market. Members of the town council, ward councillors and traders should be consulted before a decision was made. Ramsgate Market needed to be in the centre, this would threaten local shops otherwise.

- Pleased to see that shrubs and trees had been preserved in the Jubilee Play Park build. There was hope that the council would find a way for additional funding for other playgrounds in need of urgent attention.
- Thanks were given to finance officers in regards to the energy rebate scheme.

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

- Ramsgate market would be decided by the Ramsgate's town council and the residents.
- Councillor Kup was looking at other ways in securing funding for playgrounds.
- Thanks were offered in supporting officers.

Councillor Rev. Piper as Leader of the Thanet Independents made the following points:

- The thanks given were echoed.
- Thanks were offered to Councillor Rusiecki whilst he worked with the Thanet Independent Group.

The Leader replied to Councillor Rev. Piper's comments with the following point:

- Councillor Rusiecki was welcomed to the Conservative party.

Members noted the report.

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

Councillor Rev. Piper, the Chairman of the Overview and Scrutiny Panel, presented the report and the following points were noted:

- Thanks were offered to the panel and council for all of their hard work and efforts.
- The panel was forming a working group to examine how town councils, charter trustees and district councils could function happily and work together.

Members noted the report.

11. FLEXIBLE USE OF CAPITAL RECEIPTS NEW 2022/23

It was proposed by Councillor David Saunders, seconded by Councillor Ashbee and Members agreed the recommendations of the flexible use of capital receipts 2022/23, namely:

"That Council approves this report, including extending the duration of the Corporate Restructuring and Service Reconfiguration budget to 31 March 2025 (if not fully utilised before then) and transferring the £111k budget remaining on the Digitally Enabled Services budget to the IT Infrastructure capital budget."

12. REPRESENTATION ON OUTSIDE BODIES

It was proposed by Councillor Ashbee, seconded by Councillor Jill Bayford and Members agreed the recommendation as set out in the report, namely:

"That Council agrees the list of Executive outside bodies."

13. FIRST HOMES INTERIM POLICY STATEMENT

It was proposed by the Leader, seconded by Councillor Pugh and Members agreed that recommendation set out in the report be agreed, namely:

"That Council adopts the First Homes Interim Policy Statement for Development Management Purposes."

14. COMMITTEES, PANELS AND BOARD REPORT

POLITICAL PROPORTIONALITY

Following consensus from the group leaders, the Chair proposed, the Vice Chair seconded and Members agreed to approve the proportionality between groups for committees, panels and boards for the remainder of the 2022/23 municipal year.

NOMINATION OF MEMBERS TO SERVE ON COMMITTEES

The Leader, Councillor Ashbee, confirmed the Conservative Group's nominations:
Planning Committee: Councillor Rusiecki

Councillor Everitt confirmed that there were no new nominations for the Labour Group.

Councillor Garner confirmed that there were no new nominations for the Green and Independent Group.

Councillor Rev. Piper confirmed the Thanet Independents Group's nominations:
General Purposes Reserve: Councillor Braidwood
General Purposes Disciplinary Appeals Sub-Committee: Councillor Braidwood
Constitutional Review Working Party: Councillor Potts

15. EXCLUSION OF PRESS AND PUBLIC

The Chair proposed, the Vice Chair seconded and Council AGREED that the public and press be excluded from the meeting for agenda item 16, 17 and 18 as they contains exempt information as defined in Paragraph 3 (item 16) and Paragraph 1 (items 17 and 18) of Schedule 12A Part 1 of the Local Government Act 1972.

Live streaming was ended and Full Council went into private session.

16. FOOD SERVICE PLAN 2022/2024

It was proposed by Councillor J. Bayford, seconded by the Leader and Members agreed that the recommendation set out in the report be agreed, namely:

"Members are requested to approve the Food Service Plan and Enforcement Policy (as detailed in Annex 1)."

17. APPOINTMENT OF INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

It was proposed by the Leader, seconded by Councillor David Saunders and Members agreed that the recommendation set out in the report be agreed, namely:

1. "That Council appoints Mr Colin Carmichael as Interim Chief Executive and Head of Paid Service for a fixed term from 20 July 2022 until 19 July 2023 initially, as set out in paragraph 1.3 below."
2. "That Council appoints Mr Colin Carmichael as Returning Officer for the Council for the duration of his employment."

18. APPOINTMENT OF INTERIM MONITORING OFFICER

It was proposed by the Leader, seconded by Councillor Pugh and Members agreed that the recommendation set out in the report be agreed, namely:

"That Council appoints Ms Sameera Khan, as Interim Monitoring Officer from 18 July 2022."

Meeting concluded : 9.08 pm