

MEETING OF THE COUNCIL



Thursday, 30th March, 2023

7.00 pm

**Council Chamber
Thanet District Council
Margate**

**www.thanet.gov.uk
01843 577000**



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Date: 22 March 2023
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You are hereby summoned to attend the meeting of the Thanet District Council to be held in the Council Chamber, Council Offices, Cecil Street, Margate, Kent on Thursday, 30 March 2023 at 7.00 pm for the purpose of transacting the business mentioned below.

A handwritten signature in black ink, appearing to read "Sander".

Interim Head of Legal and Monitoring Officer

To: The Members of Thanet District Council

FIRE ALARM PROCEDURES: If the fire alarm is activated, please vacate the offices via the stairs either through the security door to the left of the Chairman or opposite the lifts in the foyer. Please do not use the lifts. Please assemble in Hawley Square on the green. Officers will assist you and advise when it is deemed safe to return to the Chamber.

AGENDA

Item
No

1. **APOLOGIES FOR ABSENCE**

2. **MINUTES OF THE PREVIOUS MEETING** (Pages 5 - 16)

To approve the Minutes of the meeting of Council held on 23 February, copy attached.

3. **ANNOUNCEMENTS**

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

4. **DECLARATIONS OF INTEREST** (Pages 17 - 18)

To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)

5. **PETITIONS**

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

Item
No

Subject

- 5a **RESPONSE TO RAMSGATE MARKET PETITION** (Pages 19 - 24)
6. **QUESTIONS FROM THE PRESS AND PUBLIC** (Pages 25 - 26)
- To receive questions received from the press or public in accordance with Council Procedure Rule 13.
7. **QUESTIONS FROM MEMBERS OF THE COUNCIL** (Pages 27 - 30)
- To receive questions from Members of the Council in accordance with Council Procedure Rule 14.
8. **NOTICE OF MOTION**
- To receive any Notices of Motion from Members of Council in accordance with the Council Procedure Rule 3.
9. **LEADERS REPORT** (Pages 31 - 32)
- To receive a report from the Leader of the Council in accordance with Council Procedure Rule 2.4.
10. **ANNUAL REPORT OF THE CHAIR OF THE OVERVIEW AND SCRUTINY PANEL**
(Pages 33 - 54)
11. **ANNUAL REPORT OF THE CHAIR OF THE STANDARDS COMMITTEE** (Pages
55 - 62)
12. **ANNUAL REPORT OF THE CHAIR OF THE GOVERNANCE AND AUDIT
COMMITTEE** (Pages 63 - 78)
13. **INDEPENDENT REVIEW OF THE BERTH 4/5 PROJECT** (Pages 79 - 132)
14. **IMPLEMENTATION OF THE RECOMMENDATIONS OF THE EXTERNAL
AUDITOR AND THE INDEPENDENT MONITORING OFFICER** (Pages 133 - 146)
15. **CHANGES TO COMMITTEES, PANELS AND BOARDS - 2022/23** (Pages 147 -
156)

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COUNCIL

Minutes of the meeting held on 23 February 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Jason Savage (Chair); Councillors Hart, Albon, Ashbee, Austin, Bailey, J Bayford, R Bayford, Boyd, Braidwood, Crittenden, Currie, Dennis, Dexter, Duckworth, Everitt, Fellows, Garner, Huxley, Keen, Kup, Leys, Pat Moore, Ovenden, Parsons, L Piper, Rev. S Piper, Pugh, Rattigan, Rawf, Rogers, D Saunders, M Saunders, Scobie, Scott, Shonk, Shrubbs, Smith, Tomlinson, Wallin, Whitehead, Wing, Wright and Yates

11. ANNOUNCEMENTS

There were no announcements made at the meeting.

12. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Rusiecki;
Councillor Farrance;
Councillor Paul Moore;
Councillor Day;
Councillor Towning;
Councillor Bambridge;
Councillor Gregory;
Councillor Ara;
Councillor Potts;
Councillor Coleman-Cooke.

13. DECLARATIONS OF INTEREST

There were no declarations of interest.

14. MINUTES OF THE PREVIOUS MEETING

The Chair proposed, the Vice-Chair seconded and Members agreed that the minutes of the Council Meeting held on 9 February 2023 be approved and signed by the Chair.

15. PETITIONS

There were no petitions considered at the meeting.

16. QUESTIONS FROM THE PRESS AND PUBLIC

(a) QUESTION NO.1 FROM A MEMBER OF THE PUBLIC REGARDING STREET CLEANSING

Mrs Bright asked the following question:

The absence of a street cleaner in Beacon Road Ward is evident. Residents complain of paths covered in leaf mulch, broken glass and dog waste that can make simple journeys hazardous, especially for those with mobility issues. Street cleaners are visible in more commercial areas but we need them in residential areas too. It is not right that people are

forced to walk in the roads because pavements have not been cleaned. Furthermore, the removal of dog waste bins next to our alleyways has meant piles of dog waste bags have been left where the bins once were. What plans do the council have to urgently clean up the streets in my ward?

Councillor Bayford responded as follows:

The Council was currently exploring the opportunity for an online reporting tool to allow members of the public the ability to directly report areas of concern. Environmental Operatives could then be deployed within a reasonable time frame as dictated by the footfall intensity of that area. This would allow the Council to manage resources more effectively and allow the public to draw areas of concern to the Council's attention as well as identifying scheduling issues. In the meantime, the Council would continue to manage resources in the most effective manner and respond to reports as they were received this meant focusing on the high footfall areas of the district, such as town centres.

With regards to bins, the council was undertaking a review of the bin provision across the district, this included the removal of dog bins in some areas and the introduction of litter bins where required, or alternatively a sign to the next available bin within a reasonable walking distance.

(b) **QUESTION NO.2 FROM A MEMBER OF THE PUBLIC REGARDING HE RECENT CALL FOR SITES**

Mr Woodward asked the following question:

With the Isle of Thanet's top quality food producing farmland under catastrophic threat from over development, why did Thanet district council decide to continue activity with a second call for sites whilst the local plan was paused?

The Leader of Council responded as follows:

The adopted Local Plan, including the housing requirements, was prepared in accordance with Government guidance, and was agreed by two independent Inspectors. That guidance has not changed, and neither had the housing "standard method".

However, the Government had published some proposed amendments to the National Planning Policy Framework and had indicated its intention to review the "standard method" in 2024.

The Council would be responding to the current Government consultation on a number of key points, including that greater clarity should be given to the Government's position on the status of best and most versatile agricultural land. The proposed wording in relation to agricultural land was vague, and should be strengthened.

The Local Plan update had been delayed in terms of making any formal decisions in relation to the Local Plan, including housing land and other policies. This was because the Council was waiting for the Government to provide clarity on potential future housing requirements and the status of best and most versatile farmland, and other matters. The level of housing requirements informed many important decisions in the Local Plan, and until there is clarity on this matter, it was difficult to move the Plan forward, however the call for sites process was an integral part of the on-going review.

(c) **QUESTION NO.3 FROM A MEMBER OF THE PUBLIC REGARDING THE LEVELLING UP AND REGENERATION BILL**

Ms McCourt asked the following question:

In light of the current consultation regarding the Levelling up and Regeneration Bill: reforms to national planning policy, part of the reforms include the need to:

“make sure that food security considerations are factored into planning decisions that affect farmland.”

How does TDC intend to address this issue NOW, rather than ‘wait’ for Government responses to correspondence already sent, which does not even address this issue of ‘losing our fertile farmland?’

The Leader responded as follows:

The Council would be responding to the current Government consultation on a number of key points, including that greater clarity should be given to the Government’s position on the status of best and most versatile agricultural land. The proposed wording in relation to agricultural land was vague and should be strengthened.

However, until changes were made to the NPPF, the Council must adhere to Government guidance as it currently existed, in both plan-making and decisions on planning applications.

This did not provide an opportunity to re-write the provisions of existing plans. In the meantime, the Council needed to continue to consent housing on the sites allocated in the adopted Plan, subject to the detailed schemes being acceptable. Refusing applications on allocated sites would likely lead to those consents being issued on appeal, with the risk of significant costs being awarded against the council.

17. **QUESTIONS FROM MEMBERS OF THE COUNCIL**

(a) **QUESTION NO.1 FROM A MEMBER REGARDING RECYCLING BINS IN OPEN SPACES**

Councillor Rawf asked the following question:

Now that the Summer season has finished will the council consider to move some of the recycling bins from the seafront to the parks and open spaces?

Councillor Bob Bayford responded as follows:

In preparation for the forthcoming summer season we are undertaking a full review of our bin provision, this will include recycling bins. Once this is completed we will have a better understanding of the full requirement, however in the meantime we do have plans to roll out an additional 20 standard size recycling bins as part of a wider investment in street recycling. The intention then would be to increase by a further 20 in 24/25 and this could include some of our parks and open spaces, if the capacity presents itself sooner, we will flex the resource accordingly.

Councillor Rawf followed up his question by asking Councillor Bayford Residents had been advised to have public liability insurance if they wished to be involved in cleaning alleyways. Was that the case?

Councillor Bayford responded as follows:

The Council supported residents to undertake voluntary activities in the work they chose to do. A written response will be provided to the Member regarding the issue of public liability insurance.

(b) **QUESTION NO.2 FROM A MEMBER REGARDING THE DEVELOPMENT OF WESTERN UNDERCLIFF CAFE AND WESTCLIFF HALL SITES**

Councillor Wing asked the following question:

The old Western Undercliff Cafe and Westcliff Hall sites remain a blight on the town of Ramsgate since they were sold at auction a number of years ago. Plans for the Western Undercliff Cafe were approved sometime back and the last information concerning the Westcliff Hall, again a number of years ago, was that there had been some pre-application talks with TDC Planning. Please could we have an update on where these developments are?

Councillor Pugh responded as follows:

Thank you for your question.

Details of all planning applications are published on the council's website, including information about whether they are approved or rejected.

The application for the Western Undercliff Cafe for the erection of a 5-storey building, comprising of a cafe with outdoor seating area, public toilets, refuse/cycle store at ground floor level, 8 flats at first, second and third floor level, and a restaurant at fourth floor level, was approved on the 30th November 2020. The consent is valid for three years and must be started within that time. There are two pre-commencement conditions attached to the consent and both were discharged in April 2021. This means that under planning legislation development could commence at any time. The council has also agreed heads of terms with the owner in respect of oversailing rights, over the adjacent public footpath.

There is no current application for refurbishment or conversion of the Westcliff Hall. Once a valid application is received the details will be published on the council's website.

Councillor Wing followed up her question by asking Councillor Pugh whether Building Control could be asked to inspect the Hall structure which was deteriorating?

Councillor Pugh agreed to take away the request and discuss further with officers.

(c) **QUESTION NO.3 FROM A MEMBER REGARDING CONSULTATION WITH THE NPPF**

Councillor Scott asked the following question:

Are Thanet District Council going to respond to the NPPF consultation and when will you publish the response?

The Leader of Council responded as follows:

The consultation deadline is 2 March, and it is the intention of the Council to respond on a number of key points, including:

- The review of the housing "standard method" should be brought forward, and any new methodology should be evidence-based and relate to the emerging Census data.
- That greater clarity should be provided on what factors might mitigate the housing requirements in any given area.
- That greater clarity should be given to the Government's position on the status of best and most versatile agricultural land.

It is the intention to publish the Council's response following submission.

Councillor Scott further asked whether the TDC Local Plan Review Committee had discussed and considered the NPPF regarding sustainability for existing communities and future generations.

The Leader said that there was no review committee, but instead a Cabinet Advisory Group which met regularly and was chaired by the Leader and had cross party membership. Officers had been asked and had decoded the government report. There were a lot of ambiguous areas in the government report. The Leader was going to be pushing the government to stop building on grade 1 agricultural land. The Leader had previously written a report to the Housing Minister regarding housing numbers for development.

(d) **QUESTION NO.4 FROM A MEMBER REGARDING THE LIFTS IN RAMSGATE'S ROYAL HARBOUR CAR PARK**

Councillor Everitt asked the following question:

We all agreed a fortnight ago that the state of Ramsgate's Royal Harbour car park is disgusting. Can I tonight press the cabinet member on the question of whether the lack of working lifts is dangerous?

What is his advice to customers unable to navigate the stairs for physical or practical reasons but who cannot find a space to park on the ground floor.

Is he confident that the present arrangements, which require them to use the vehicle ramps to move between floors, are safe, and if not what is he doing about it?

Councillor David Saunders responded as follows:

There are 22 disabled bays and 8 parent and child bays located on the ground floor of the car park as well as the annex area which has ground floor access. The use of vehicle ramps by pedestrians to access higher floors is never encouraged.

Signs were placed in the entrance to the car park regarding the lifts following previous discussions with ward councillors, these have again been refreshed following the Council meeting.

The annual deep clean is due to take place during and before the end of March.

As councillors are so concerned regarding this car park I have asked officers to undertake an assessment of whether or not it needs to be temporarily closed.

Councillor Everitt followed up his question by asking Councillor Saunders when the lifts would be fixed and that he was not convinced that the signage for alternative parking was adequate.

Councillor Saunders said he could not give a date for when the lifts would be fixed. As far as the notices are concerned Councillor Saunders said that he would be asking officers to review the wording which would then offer alternative parking to residents.

(e) **QUESTION NO.5 FROM A MEMBER REGARDING THE LOCAL PLAN AND HOUSING NUMBERS**

Councillor Braidwood asked the following question:

Thanet's local plan has been written using data from the government's faulty algorithm. In light of this what is this Council doing to cease any further planning applications and developments currently in the local plan?

The Leader of Council responded as follows:

The adopted Local Plan, including the housing requirements, was prepared in accordance with Government guidance, and was agreed by two independent Inspectors. That guidance has not yet changed, and neither has the housing "standard method".

However, the Government has published some proposed amendments to the National Planning Policy Framework, and has indicated its intention to review the "standard method" in 2024.

The Council will be responding to the current consultation on a number of key points, which were detailed in the response to an earlier question (Question 3 from Cllr Scott).

However, even if there are significant changes to Government guidance and the "standard method", this will only affect the level of housing land required in future local plans; that is, it may lead to a lower level of additional housing required as a result of the current review which extends the plan period to 2040.

It does not provide an opportunity to re-write the provisions of existing plans. In the meantime, the Council needs to continue to consent housing on the sites allocated in the adopted Plan, subject to the detailed schemes being acceptable. Refusing applications on allocated sites would likely lead to those consents being issued on appeal, with the risk of significant costs being awarded against the council.

Furthermore, if the Council were to refuse planning permission for schemes on allocated sites, this would undermine the Council's position in relation to the Housing Delivery Test, and trigger the presumption in favour of new housing development.

Councillor Braidwood also asked if the council would accept responsibility if the district lost agricultural land.

The Leader of Council said that the Council would do its best to challenge the government on the issue. If the public applied pressure on the farmer as well, that might help.

(f) **QUESTION NO.6 FROM A MEMBER REGARDING HOUSING DEVELOPMENTS AND SOUTHERN WATER CAPACITY**

Councillor Smith asked the following question:

Events of the last few months have demonstrated that Southern Water is currently unable to provide a reliable supply of drinking water to homes and businesses across Thanet.

Recent incidents have included multiple water 'outages' with inadequate compensation and scant regard for the needs of their most vulnerable customers.

Does the Leader agree with me that it is irresponsible for TDC to continue to approve any further large housing developments in the District until Southern Water has completed upgrading its infrastructure and is able to demonstrate a water supply that is fit for purpose?

The Leader of Council responded as follows:

The Local Plan considers the issue of water supply, throughout its development and delivery by engaging with the relevant utility companies, specifically including Southern Water.

This engagement provided Southern Water with a strategic opportunity to consider the impact of housing growth on water supply. In addition, the water providers produced and published regional and local Water Resources Management Plans, which were required to take into account the impacts of development proposals contained within District Councils Local Plans.

Southern Water were also consulted about all planning applications involving new dwellings and were able to submit comments based upon the impact on both water supply and drainage. The council was required to consider any representations made in determining planning applications. The council would not be able to defend a decision to refuse planning consent on the grounds of water supply issues, if the statutory consultees were advising that the water supply infrastructure was adequate in that location.

The Council understood that the recent outages in Thanet had been the result of two separate problems with infrastructure at the Rumfields Road Water Booster Station in Broadstairs. Although these had caused considerable disruption and inconvenience, they were not necessarily indicators of a fundamental water supply issue. The Council's Overview and Scrutiny Committee had decided to invite Southern Water to attend its meeting on 14 March to consider these outages.

The management and maintenance of the water supply network was primarily a matter for the service provider, Southern Water. The council could however seek assurance from Southern Water that they had the necessary evidence to demonstrate an adequate water supply and in addition to the invitation from the Overview and Scrutiny Committee, the Council would be doing this as part of the update of the Council's Local Plan.

Councillor Smith further asked whether in the context of climate and ecological emergency, could Thanet District council not take a lead in these circumstances as there was a need for more sustainable decisions to be made regarding future housing development and what other policies the council could come up with to protect the natural environment.

The Leader of Council responded and said that it was up to government to force water providers to step up to the challenge for providing appropriate water supply infrastructure. Government was now extending fines to £250 million for water suppliers who were not complying with regulations.

18. NOTICE OF MOTION

There were no notices of motion that were considered at the meeting.

19. LEADERS REPORT

Councillor Ashbee, the Leader of Council presented her report and made the following points:

- This penultimate Leader's report for this term was somewhat shorter than usual as a good deal of the workload had been working with the Cabinet and officers putting together the budget for this year.
- Thanks were offered to Members for their scrutiny and support by voting to agree what was an ambitious 2023/24 budget by virtue of the extra investment in growth for service areas such as enforcement and our property team. Every year it gets harder to produce a balanced budget for whoever was in control, so aiming for

more self-sufficiency by increasing revenue growth was essential foundation for the future.

- Another main area my time had been involved with working closely with the CMT putting together the Future Delivery for the Port of Ramsgate. This week, members would have received a briefing and the Cabinet report outlining details of this exciting opportunity for Thanet to reinvigorate the port and utilise more of its potential.
- It was a complicated process and the robust report outlines the models that have to be considered. This was a wonderful chance to build on the Levelling Up funds and to bring future financial and employment sustainability.
- This month started off with more good news for the expansion of Thanet's tree canopy with our Open Spaces team hosting a tree planting event at Warre Recreation Ground.
- Sixth form students from Chatham & Clarendon Grammar School volunteered to help plant an additional 16 standard trees to completed the 2022/23 Ramsgate Tree Planting Project.
- The Council had received a revised draft Neighbourhood Plan from Broadstairs & St Peter's Town Council and are now seeking views on the proposals which was the last opportunity to comment before the proposed plan was forwarded to the Independent Examiner which would update the existing Neighbourhood Plan. The six-week consultation opened on 9 February and closes at 5pm on Thursday 23rd March 2023.
- There was the amazing story of the Banksy artwork that appeared as is his way, overnight on the side of a house in Margate. As you will all be aware this had attracted a worldwide audience, one could say Margate had become more recognised than Westminster these days.
- This artwork did of course raise the important issue of domestic abuse. The Council had been in touch with the owner of the property to understand their intentions around the preservation. The owner, as had been reported was in discussion with the Dreamland Estate to provide a solution for the future of the work.

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

- Thanked the Leader for sharing the report in advance and said that he had hoped for the report to make reference to water supply interruptions that had affected Broadstairs;
- Councillor Everitt noted that the council was using more money to fund its activities due to inflation and was using reserves as well;
- He agreed with the report regarding the Port of the Ramsgate that was going to be considered by Cabinet on 2 March 2023;
- Regarding Banksy artwork; public safety was important for the Council and supported the Leader's decision on the matter.

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

- Thanked the Shadow Leader for the support regarding the recently adopted Council Budget for 2023/24.

Councillor Garner as Leader of the Green and Independent Group made the following points:

- Thanked officers and Members for the hard work that went into producing the 2023/24 Council budget;
- Councillor Garner was concerned about the plans regarding the future of the Port of Ramsgate;

- He further thanked officers for holding the Members Briefing session on the subject and would be attending the Cabinet meeting where the decision regarding the Port would be taken;
- Councillor Garner expressed his concern regarding delegating some of the decisions on the Port to officers and that Members should not be excluded from decisions on the Port;
- Regarding the Broadstairs Neighbourhood Plan; Councillor Garner said that having a robust neighbourhood plan was important and encouraged the public to respond to the public consultation non the Plan which was currently underway;
- He further said that was waiting in anticipation for the Overview & Scrutiny panel to consider the Collaboration Working Party report and hoped that the recommendations from that report would be adopted;
- Trees on the Chatham School grounds and other areas should be protected;
- Banksy's artwork raised issues about domestic violence and this was important for public awareness.

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

- The Leader expected some good discussion by Members on the Port report at Cabinet on 2 March 2023;
- It was important for assets to work and bring in income for the Council;
- The Leader hoped that the industry advice given to the Council would turn around the fortunes of the Port;
- It was time that a decision be made on the future of the Port of Ramsgate and Cabinet was going to make that decision;
- However it should be noted that this was not going to be a quick process as there were important processes to be undertaken by the Council in seeing through this decision.

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

- Thanked officers for the work done to produce the 2023/24 Council Budget;
- He was disappointed not to take part in the vote for the budget item at the meeting as he had declared a interest on the same item when it went to the Overview and Scrutiny Panel;
- Councillor Piper said that this declaration of interest could be viewed by Members as disenfranchising some Members who should have been allowed to debate and vote on the Council budget.

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

- The Leader said that she was glad that the Banksy artwork had found a place to store it;
- The council was going to take a look at the Council Constitution to identify whether there was a need to make changes that would ensure that Members were not excluded from debating on matters put before a meeting for discussion.

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

Councillor Stuart Piper presented the Overview & Scrutiny panel Chair's report to Council. He said that the Panel was hoping to receive a report on the draft policy for managing monuments and plaques in the district before the end of the first quarter. Councillor Piper advised the meeting that Southern Water had been invited to attend the

14 March 2023 Panel meeting to discuss the issue regarding the multiple incidents of water supply interruptions in some parts of the district.

Councillor Piper further invited those Members with questions relating to this subject to forward such questions to him and confirmed that there would be public speaking on the item.

After some deliberations, Members noted the report.

21. COUNCIL TAX SETTING

It was noted that in accordance with council procedure rule 17.6, a recorded vote would be taken on the motion or any amendments and substantive motions.

It was proposed by Cllr Saunders, seconded by the Leader and upon being put to the vote Members UNANIMOUSLY AGREED the following:

- i. That Members approve the Thanet District Council element of Council Tax charges as set out below for the listed property bands;
- ii. That Members approve the determinations at Section 1 of the council report.

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

44 Councillors voted in favour of the Motion

Councillors Albon, Ashbee, Austin, Bailey, J Bayford, R Bayford, Boyd, Braidwood, Crittenden, Currie, Dennis, Dexter, Duckworth, Everitt, Fellows, Garner, Hart, Huxley, Keen, Kup, Leys, Pat Moore, Ovenden, Parsons, L Piper, Rev. S Piper, Pugh, Rattigan, Rawf, Rogers, D Saunders, M Saunders, Savage, Scobie, Scott, Shonk, Shrubbs, Smith, Tomlinson, Wallin, Whitehead, Wing, Wright and Yates.

22. MEMBERS ALLOWANCES SCHEME 2023/24

The Chair proposed, the Vice Chair seconded and Members agreed the following:

1. To adopt 2023/24 Members allowances scheme as set out at annex 1 to the Council report and to refer the scheme to EKJIRP for them to consider;
2. That any recommendations from the EKJIRP altering the proposed scheme will be reported back to Council for consideration;
3. That if no recommendations are received from the EKJIRP, Council delegates the authority to approve the final scheme to the S.151 Officer.

23. CREATION OF AN APPOINTMENT SUB-COMMITTEE

The Chair proposed, the Vice Chair seconded and Members agreed to appoint an Appointment Sub-Committee and approve its terms of reference as set out in Annexe 1 to the Council report.

24. CALENDAR OF MEETINGS 2023-25

The Chair proposed, the Vice Chair seconded and Members agreed the calendar of meetings for the period May 2023 to May 2025 as detailed in Annex 1 to the Council report.

25. CHANGES TO COMMITTEES, PANELS AND BOARDS - 2022/23

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 Towning replaced Councillor Hart.

Appointments Sub Committee

Councillor Ashbee

Councillor Everitt, confirmed the Labour Group's nominations:

Licensing Board

Councillor Scobie was removed from the Board.

Governance & Audit Committee

Councillor Yates replaced Councillor Hopkinson.

Constitutional Review Working Party

Councillor Currie

Governance & Audit Committee

Councillor Everitt

Councillor Garner, confirmed the Green and Independent Group's nominations:

Governance & Audit Committee

Councillor Austin

Governance & Audit Committee

Councillor Austin

Councillor Rev Piper, confirmed the Thanet Independents Group's nominations:

Overview & Scrutiny Panel

Councillor Lynda Piper

Licensing Board

Councillor Dennis

Planning Committee

Councillor Wallin

Constitutional Review Working Party

Councillor Wallin

Meeting concluded: 8.17 pm



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](#).

Response to Ramsgate Market Petition

Meeting	30th March 2023
Report Author	Mark Peace Interim Director of Property
Portfolio Holder	Cllr David Saunders
Status	For Information
Classification:	Unrestricted
Ward:	All Ramsgate wards

Executive Summary:

The report outlines a petition that was received by the Council and The petition requests the reopening of the weekly market in Ramsgate town centre, and the proposed response notes that the market saw a steady decline in revenue since 2010 and ceased operation in October 2020. The Council has started the process to relaunch the market by talking to potential operators prior to inviting Expressions of Interest.

Recommendation(s):

The report is for information only.

Corporate Implications

Financial and Value for Money

Response to petition has no financial implications.

Legal

Response to petition has no legal implications.

Risk Management

Response to petition poses no considerable risk to the council.

Corporate

Petitions are an important way of the public engaging with the Council on matters of importance to them. We have responded positively to the petition and engaged with the public, Ramsgate Town Council, and Kent County Council to begin the process of reinstating the market with the future benefit of bringing increased pedestrians and shoppers into Ramsgate Town Centre.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

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

- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities and Community engagement.

1.0 Introduction and Background

1.1 The Council has received a petition with 438 valid signatures relating to the reopening of the Ramsgate outdoor Market. An official response should be provided for an ordinary petition that is signed by 50 or more petitioners, but fewer than 1500. The senior Officer of the Council, after consulting with the relevant portfolio holder, should respond to the petition, and a report on the petition noting what action has been taken should be referred to the next meeting of Cabinet or Council for their information.

1.2 This response ensures that the petitioners are informed of the Council's actions and that the Council is held accountable for addressing the concerns raised in the petition. It also provides transparency and accountability to the public, which is an important aspect of democratic governance.

2.0 The Current Situation

2.1 The Petition Prayer

"We the undersigned believe that Ramsgate in general and Ramsgate town centre in particular will benefit greatly by the re-introduction of our weekly market in the high street. We believe the market to be vital for the recovery of the local economy and was a much valued meeting place for friends and family. We strongly urge RTC/TDC to bring the market back as soon as possible. Please sign below if you agree with the opinion expressed above."

2.2 The Response

- 2.2.1 The formal response to the petition that was sent to the petitioner is attached at Annex 1 to the report.

2.3 The Current Position

TDC have met with Ramsgate Town Council and kept them updated on a regular basis on progress towards relaunching the market. In mid February, TDC's Case Officer met with Councillor Steve Albon on site to discuss how the market could work going forward and potential stall locations and layout.

Regarding consents, we have established that an updated / amended planning consent is not required. However, an amendment to the Traffic Regulation Order issued by KCC which governs access to the High Street, King Street and Queen Street may be required, specifically in relation to access times.

We are currently in the process of drafting a specification for discussion and agreement with our Procurement team with a view to inviting Expressions of Interest (Eoi).

Contact Officer: Andrew Dockerill, Interim Estates Surveyor:
Reporting to: Mark Peace, Interim Director of Property

Corporate Consultation

Finance: *Chris Blundell; Acting Deputy Chief Executive*

Legal: *Sameera Khan; Interim Head of Legal and Monitoring Officer*

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To: Mr Brady,

Date: 24 February 2023

Dear Mr Brady,

Re: Petition regarding Ramsgate Market

Thank you for your petition which the Council received on 17 November 2022 with contained the following petition prayer:

“We the undersigned believe Ramsgate in general Ramsgate town centre in particular will benefit greatly by the re-introduction of our weekly market in the high street. We believe that the market to be vital for the recovery of the local economy and was a much valued meeting place for friends and family. We strongly urge RTC/TDC to bring the market back as soon as possible.”

I can confirm that we received your petition which contained 539 valid signatures.

In accordance with the Council’s petition policy, this letter will explain the next steps for the petition.

“Those petitions signed by 50 or more petitioners but fewer than 1500 will be presented to a senior Officer of the Council who, after consultation with the relevant portfolio holder, will respond. Then a report on that Petition noting what action has been taken will be referred to the next meeting of Cabinet or Council for their information.”

Your petition was passed to the estates department and their response is outlined below:

As you are aware, a market had been run on a weekly basis (Fridays and Saturdays) in Ramsgate town centre by an external operator appointed by Thanet District Council (TDC) since 2004.

Following the Covid lockdown restrictions of March 2020, the market was run on a trial basis in Staffordshire Street Car Park in August and September 2020 due to the difficulties of complying with social distancing requirements in its High Street location.

The car park proved unpopular with both traders and residents alike, and in October 2020, our Cabinet agreed that the market wasn’t working in its current form and should therefore cease.

The market has seen a steady decline in revenue since 2010, but has nevertheless remained popular with residents.

As previously reported on October 2022 <https://www.thanet.gov.uk/update>, we have started the process to relaunch the market by approaching possible operators and Kent County Council with a view to advertising the opportunity and inviting Expressions of Interest (EoI). Our goal is to find a new operator who will bring a fresh and financially viable vision for the market to life and we are actively consulting with Ramsgate Town Council to achieve this end.

Agenda Item 5a

Annex 1

We are optimistic about the outcome of this process and will keep you informed of any developments as they happen. Thank you again for your support and we appreciate your patience as we work towards bringing the market back to Ramsgate.

A report as described earlier in the letter will be made to the next Council Meeting on 30 March outlining the Council's response.

If you have any queries regarding the petition or the process, please do not hesitate to contact me.

Yours sincerely

Nick Hughes
Committee Services Manager
Tel: (01843) 577208

QUESTIONS FROM THE PRESS AND PUBLIC

Council	30 March 2023
Report Author	Committee Services Manager
Portfolio Holder	Leader of the Council
Classification:	Unrestricted
Key Decision	No

Executive Summary:

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

Recommendation(s):

This report is for information.

Corporate Implications

Financial and Value for Money

There are no identified financial implications from this report.

Legal

There are no legal implications directly from this report.

Corporate

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

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no specific equality issues arising from this report.

Corporate Priorities

This report relates to the following corporate priorities: -

- *Communities*

1.0 Introduction and Background

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

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Sameera Khan (Interim Head of Legal & Monitoring Officer)

Annex List

There are no Annexes with this report.

Background Papers

There are no Background Papers with this report.

Corporate Consultation

Finance: Chris Blundell, Acting Deputy Chief Executive & S151 Officer

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

QUESTIONS FROM THE MEMBERS OF THE COUNCIL

Council	30 March 2023
Report Author	Committee Services Manager
Portfolio Holder	Leader of the Council
Classification:	Unrestricted
Key Decision	No

Executive Summary:

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

Recommendation(s):

This report is for information.

Corporate Implications

Financial and Value for Money

There are no identified financial implications from this report.

Legal

There are no legal implications directly from this report.

Corporate

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

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There are no specific equality issues arising from this report.

Corporate Priorities

This report relates to the following corporate priorities: -

- *Communities*

1.0 Introduction and Background

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

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

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

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

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

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

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

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

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

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

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Sameera Khan (Interim Head of Legal & Monitoring Officer)

Annex List

There are no Annexes with this report.

Background Papers

There are no Background Papers with this report.

Corporate Consultation

Finance: Chris Blundell (Director of Finance)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

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LEADER'S REPORT TO COUNCIL

Council	30 March 2023
Report Author	Committee Services Manager
Portfolio Holder	Leader of the Council
Classification:	Unrestricted
Key Decision	No

Executive Summary:

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

Recommendation(s):

None - This report is for information only.

Corporate Implications

Financial and Value for Money

There are no identified financial implications from this report.

Legal

There are no legal implications directly from this report.

Corporate

The Leaders report helps to contribute to the promoting open communications corporate value.

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.

The Council demonstrates due regard to the aims of the Public Sector Equality Duty when

conducting its business, this due regard is mirrored in the leaders report which provides an update on key issues arising since the last meeting of Council.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Growth
- Environmental
- Communities

1.0 Introduction and Background

1.1 Council Procedure Rule 2.4 provides that:

“The Leader of the Council will make available in writing the content of his/her oral report to opposition group leaders no later than the Saturday before the meeting. The speech will not exceed ten minutes on key issues arising since the last meeting of Council.

The Leaders of any other political group may comment on the Leader’s report. The comments of the Leaders of the other political groups shall be limited each to five minutes. The other Group Leaders will comment in an order determined by the number of Councillors within those political groups, with the largest group commenting first, and so on.

The Leader has a right of reply to each Group Leader limited to two minutes, in hierarchical order, to any comments made on his/her report.

The Leader of the Council, the Leader of the Opposition and the Leader of any other political group may appoint substitutes to speak on their behalf.

No motions may be moved nor resolutions passed under this item.”

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Sameera Khan, Interim Head of Legal and Monitoring officer

Annex List

There are no Annexes with this report.

Background Papers

There are no Background Papers with this report.

Corporate Consultation

Finance: Chris Blundell (Acting Deputy Chief Executive)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

Annual Overview & Scrutiny Panel Report to Council for 2022/23

Overview & Scrutiny Panel Panel 30 March 2023

Report Author Councillor Stuart Piper, Chair of Overview & Scrutiny Panel

Status For Decision

Classification: Unrestricted

Key Decision No

Ward: Thanet Wide

Executive Summary:

The purpose of the report is to highlight some of the key activities that have been planned and implemented by the Overview & Scrutiny Panel for the 2022/23 municipal year period.

Recommendation(s):

Members are being asked to comment on and note the report.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report, but elements of the suggested work programme may have financial and resource implications which would need to be managed within existing resources, or alternatively compensating savings found.

Legal

The role of scrutiny is set out in section 9F of the Local Government Act 2000. The council must also have regard to the statutory guidance on Overview and Scrutiny from the ministry of Housing, Communities and Local Government when exercising its functions.

Risk Management

There are risks arising directly from this report.

Corporate

The work programme should help to deliver effective policy decision making by scrutinising executive decisions before, and at times after, implementation.

The working parties assist with the work of scrutiny as they would carry-out an in-depth study of any issue referred to the groups under their terms of reference. An active Scrutiny programme is part of good governance.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

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

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

No implications arise directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.

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

CORPORATE PRIORITIES

This report relates to Communities.

1.0 Introduction and Background

- 1.1 The Chairman of the Overview and Scrutiny Panel is required to present an Annual Panel report towards the end of each municipal year to share an overview of the work undertaken by the Panel during the course of the year under review.
- 1.2 The report comments on a number of activities carried out by the Panel during the period under review. It is hoped that this report would therefore provide the basis for debate by Members on the Panel's annual activities and hopefully lead to sharing of views and ideas to enhance the Council's scrutiny function.

2.0 Cabinet Member Presentations

- 2.1 During the course of the year the Panel engaged cabinet members in discussions on a number of subject matters that fall under their respective portfolio areas. The purpose of these engagements through cabinet member presentations at Panel meetings was for the Panel to contribute to policy decisions on issues under active consideration of the executive as well as get an update on the current matters that the Cabinet was working on.

Committee agenda papers and minutes are available on the Council's website (www.thanet.gov.uk)

A Briefing on Manston Processing Centre and its effect on the local area

- 2.2 At the meeting on 24 November 2022, the Leader of Council made a presentation regarding the Manston Processing Centre after a request from Panel Members for an update on the matter and made the following key comments:

- In December 2021, the Council was first informed that the processing centre for asylum seekers was going to be set up by the Home Office, at the Ministry of Defence site at Manston. The understanding was to provide a temporary staging point for asylum seekers, prior to getting more permanent placings elsewhere and that no individual would stay at this centre for more than 24 hours. The Leader of Council attended a meeting with the Permanent Secretary on 13 December 2021, where the plan to set up Manston as the processing centre was confirmed.
- The Leader then convened an urgent informal cabinet meeting to discuss the council's position on this matter. After this cabinet meeting the leader wrote to the then Home Secretary, Priti Patel MP on 15 December 2021 to express the council's grave concerns about the suitability of Manston site and the prospects of expanding beyond its scope. No reply was received to that letter from the Home Secretary. Recent reports suggested that the Home Secretary had been advised by civil servants since last December of the legal difficulties in failing to find alternative accommodation to Manston. The Manston site was being managed entirely by the Home Office or its agents.
- The Council had no role in the management of the Manston site and was therefore not always kept informed of the number of individuals at the site or how long it would continue to be a processing centre. The council got to the site only when the UK Health Safety Agency (UK HSA) asked the Council's Environmental Department to conduct an inspection of the site, which was then conducted on 9 September 2022. In early November reports emerged in the media indicating that the site was working beyond its planned capacity. It

was reported about 4,000 individuals were living at the site when the planned capacity was 1,600.

- As a result of those reports Clearsprings, a Home Office agent, were funded to look for accommodation in Kent and elsewhere in order to move the asylum seekers from Manston as rapidly as was possible. TDC and other councils were not given any prior notice about this operation by the Home Office nor were they given any notice of any hotels or premises that were being leased for this purpose in their respective local areas. The Leader and other Kent Leaders signed a letter that was sent to the Home Secretary citing the detrimental effect that these arrangements were having on the county and district services. The local MPs also made clear their objections to the use of local accommodation for this purpose without prior notice. It was believed that as a result of these objections local accommodation was stood down by Clearsprings; notably accommodation at the old Christ Church University Campus in Broadstairs.
- In the week beginning 14 November 2022, the Immigration Minister Robert Jenrick took part in a Webinar with Kent Leaders and CExs and he acknowledged that the situation had not been well handled. The Minister stressed that the Home Office was seeking to rapidly reduce the numbers at Manston to avoid the overcrowding and indicated that moving forward councils would be given 24 hours' notice before any placements were done in their respective local areas. TDC had thus far not received any notifications. It was reported in the news as at 22 November, that the Manton site was currently empty pending any new arrivals of asylum seekers.
- The Council did not have any information about the health status of the man who had died at the Manston Centre. The reopening of the processing centre had not been confirmed nor whether it would be stood down or not. At the moment it had not been stood down. There were some adjustments that were being made to the site. The MP that covers Manston, Sir Roger Gale was in regular contact with the Home Office Secretary. This was an appalling situation and the Council had taken a robust stance on the matter. The Home Office Secretary had listened to comments from the councils so far. He had also given a pledge that no new sites would be utilised without giving councils at least 24 hours' notice before moving in. It was worth noting that the old Christ Church University Campus in Broadstairs was selected by a contractor employed by the Home Office to find sites. That was part of what the government called the dispersal programme which had nothing to do with the Manston Processing Centre. TDC had no knowledge of this placement.
- After some discussions with the Housing team, the Council had already objected to the campus being used for the dispersal programme as this would have had an adverse effect on the council's ability to find affordable accommodation for the local area's housing emergency situations. This then

prompted the Kent Leaders' letter of objection to the Secretary. The inspection was a food and hygiene inspection which looked at the source of food. Environmental Services worked with the UK HAS on this inspection. The government agency then passed on all the results to the operators of the site including the Home Office advising them on what they needed to do to ensure that the infectious disease controls were robust enough to stop the spread of any infections.

- The 24 hour notice did not give the Council the ability to refuse the use of local sites, except to point out, like with the use of the old Christ Church University Campus, that this was in breach of planning policy. In this case the council would take enforcement action where there is a breach. There were a number of refugee programmes in the country. There were the Afghan Refugees, Syrian Refugees, Ukrainian Refugees and the broader migration programme and each of them was being organised in a different way. This was confusing for councils and the public. It was the organisation of the Manston Centre which appeared to be the problem. It was a combination of the lack of resources of accommodation for people to move into.
- The Council's understanding was that for the moment the Manston would continue to be used as a processing centre for new arrivals of asylum seekers and that dispersal would be in other parts around the country, not just within Kent. The council had taken a robust stance on this matter for the good of the district and it was not a partisan stance. When the Leader first took the matter up with Sir Roger Gale, the MP took the issue up in the Commons the next day. MP Craig Mackinlay made some robust comments as well against the use of the old Christ Church University Campus in Broadstairs and it helped the campus being dropped off the list for the dispersal programme.
- Both MPs have been very supportive of the council's position on this matter. The council was in contact with the current owners of the old Christ Church University Campus. The council was not clear as yet on the exact status of the agreement Clearsprings had for the university campus. It was the council's understanding that Clearsprings had no more intention of using the campus again. The Council was not aware of any planning process that was followed regarding setting up of the processing centre at Manston. The advice Council had, which would be investigated further, was that the Home Office would be able to use the site until next year, when they would need to obtain some kind of planning approval for their current use. However this approval did not necessarily need to come through TDC as it could be determined at the county or national level. The Leader was going to work with the Council's Communications team to produce an outline of what had happened regarding this subject matter and share with the public.

2.3 After some debate the Panel noted the presentation and no further action was required.

Levelling Up Funds and Regeneration Projects in Thanet

2.4 The Panel also received a presentation on 23 October 2022 from the Deputy Leader of Council. Some of the key points made during that presentation included the following:

- The council was awarded £51 million for the Levelling Up Funds projects to be implemented in the district. Thanet District Council (TDC) was one of a few councils in Kent who received these funds. Commended officers for the efforts they put into these successful bids. An officer to support the administrative processes for the project implementation was recruited. The reporting protocol and governance arrangements were different for each project. For example the Margate Town Deal has a Board that monitors the implementation of the town deal projects. On the other hand, the Levelling Up Fund had Scrutiny Panels for Margate and Ramsgate.
- A TDC Cabinet Member sits on the Board and the two Panel. An Interim Director was recruited to deliver the town deal projects through the Creative Land Trust. The Winter Gardens business case had also been approved. Each of these projects had its own performance indicators to report on and measure progress against. The Town Deal Board was no longer meeting monthly as before because projects had been approved and now the main task was implementation and monitoring. A lot of community engagement work had been done and the government were complementary about Thanet's level of that engagement. There were current discussions on streamlining the reporting process for the various projects. The Creative Land Trust had begun some work to identify spaces within Margate and the Trust and was now beginning to make some progress.
- The Port of Ramsgate was an attractive asset and there had been approaches from private investors. A Project Manager would start the zoning of the Port which would lead to a detailing out of ideas for developing Ramsgate Port. The project would ensure the accommodation of a broad range of boats.

2.5 There was no further action taken on the matter.

The Efficacy of using the CAGs Approach in policy development and decision making

2.6 At the meeting on 24 November 2022, the Leader of Council made a presentation regarding the Efficacy of using the CAGs Approach in policy development and decision making and made the following points:

- There was cross party membership on all these advisory groups;
- The main purpose for these sub groups was to consider issues of interest to the Council and when appropriate, forward any recommendations to Cabinet;
- Each sub group was chaired by the relevant portfolio holder;

- They met in private working sessions in order to encourage maximum member contributions;
- CAGs played an important part of sharing information across political groups;
- This role was different to the role played through a scrutiny review;
- CAGs provided those Members not on Cabinet or Shadow Cabinet with an opportunity to play a role in the decision making process;
- There was a need to check why the Health and Wellbeing CAG was stopped. It could have been a resource issue;

- Independent members fail to get onto the CAGs because these are created using proportional representation rules; In addition, it would be difficult to find a criterion that would be used to select one Independent Member over the other since they were not a political group;
- The Strong Leader model is a better option than a committee system of governance arrangements. Decisions are made more expeditiously in an executive model of governance than committee model;
- CAGs were necessary in making the Executive arrangement model work more efficiently;
- The Leader would consider setting up the Health and Wellbeing CAG, having first looked at what this CAG's terms of reference would be.

2.7 No further action was taken by the Panel.

2.8 Members requested two further cabinet member presentations on the following topics:

- a. An update on the Council's Toilet Management Strategy;
- b. An update on the Parking Review and Enforcement Strategy.

2.9 Some of the presentation topics would arise as part of the Council Budget and Planning Framework and are on the forward Plan, whilst others may come from forthcoming cabinet decisions that are of significant public interest, where the Panel may feel that their contributions would enhance the decision making process.

2.10 Any topics not progressed during this year will be moved to the new municipal year if the newly constituted Panel wishes to continue with those topics.

3.0 Scrutiny Reviews conducted by the Panel

Scrutiny Review Topics

3.1 During 2022/23, the Panel has been working through a number of scrutiny review topics from the list that was carried over from 2021/22. The list of scrutiny review topics was prioritised using the matrix and is attached as Annex 2 to the committee report. Whilst some of the topics would continue to be considered through conducting reviews, others would be expedited through one off reports (where appropriate).

Memorial plaques and Monuments

- 3.2 The reviewing of memorial plaques and monuments in the district was initially given priority in order to expedite the review of what was then a topical issue nationwide. Cabinet then had expressed an interest to establish a policy for managing memorial plaques and monuments in the Thanet. The Panel was approached to contribute to the establishment of that policy by Cabinet.
- 3.3 However due to the anticipated new legislation which would include new guidance on how the council could address the issue of monuments and plaques in the district, it was not possible to continue with this work stream. On 20 April 2021, the Panel decided to temporarily halt and therefore keep in abeyance the work of the Memorial Working Party until an appropriate time.
- 3.4 Now that there is some guidance from the Government on the subject, the Panel agreed to resume the work of the working party in order to offer suggestions to the proposed council policy on managing memorial plaques and monuments in the district. This project is being led by the Council's Monitoring Officer. The Interim Monitoring Officer was now working with the sub group to conclude the review. The report is expected to be ready in the first quarter of 2023. Once the report is ready, the working party will then meet to discuss the draft policy before making any recommendations for consideration by the Overview and Scrutiny Panel. This item may have to be added to the work programme for 2023/24.

TDC & Parish/Town Councils Collaboration Working Party

- 3.5 At the meeting on 26 May 2022, the Panel set up a working party to review the working relationship between Thanet District Council and Parish and Town Councils with a view to improving that relationship.
- 3.6 This topic came about as a result of the meetings held by the Coastal Waste Scrutiny Review Working and parish and town councils. It was during these sessions that representatives from parish and town councils called for closer working relationship to tackle a number of service delivery challenges relating to maintaining the district's coastal areas clean and welcoming to visitors.
- 3.7 The sub group met on 7 July 2022 and agreed on the approach for conducting the review. The working party agreed to hold separate hearing sessions to gather evidence from parish/town council representatives (Clerks/Council Chairs), TDC officers, cabinet members (if required) and the Leader of Council. These meetings are currently ongoing.
- 3.8 The working party had three further sessions. One was with Cabinet on 27 October which was attended by the Leader of Council, Deputy Leader and Cabinet Member for Economic Development, Cabinet Member for Housing and Cabinet Member for Environmental Services and Special Projects. The other meeting was with parish and town council chairs and clerks held on 3 November and the last evidence gathering session was with TDC senior officers on 9 November. These sessions were quite useful in bringing forward some discussions that brought up a number of suggestions that will be shared by the working party in the report back to the Panel.

- 3.9 The sub group met on 24 November 2022 and agreed on the findings that came out of this investigation and recommendations to forward to the Panel. Members met again on 2 February 2023 to sign off the report which would be presented to the Panel on 14 March.
- 3.10 All the scrutiny review topics that the Panel identified as ongoing work streams that would spill over into multiple municipal year periods are detailed in the Annex 1 to the report. Annex 2 is the list of pre and post decision scrutiny reviews carried out by the Panel in 2022/23.

Watching Brief

OSP Coastal Waste Recommendations to Cabinet

- 3.11 The Panel adopted all of the recommendations from the Coastal Waste Scrutiny Review Working and forwarded the report to Cabinet for decision. Cabinet considered the report on 16 June 2022 and made the following provisional decision that:

“Cabinet notes the report and instructs officers, in conjunction with the relevant portfolio holders, to undertake a comprehensive review of all the matters raised in the OSP report and to report back to Cabinet before the end of the year.”

- 3.12 The Panel will maintain a watching brief on the issue until Cabinet makes a final decision on this matter. This matter may have to be rolled over to the new municipal year.

Planning Enforcement Review

- 3.13 Planning Enforcement Review: On 20 April 2021, the Panel set up the Planning Enforcement Working Party held one meeting in June and reported back to the July Panel on how best Scrutiny could contribute to the current review of the Planning Enforcement protocol for Thanet.
- 3.14 An update report was presented to the Panel on 21 July 2022 by the Corporate Director of Place and Members noted the progress made to date. The Panel was advised that the full review will be completed once The Levelling Up and Regeneration Bill was enacted into law, as the enforcement protocol would need to make reference to the provisions of this new Bill. As a result it is suggested that the Panel keeps a watching brief on this matter until the review is concluded. If this item is not yet ready to be put before the Panel in 202/23 it might have to be rolled over to 2023/24.

4.0 Call-Ins

- 4.1 There were no call-ins considered by the Panel in the period under review.

5.0 Agenda Items Requested By Members

Stagecoach Services

- 5.1 A Member requested that the Panel conduct an urgent review of the decision by Stagecoach to discontinue bus services for some routes in Thanet. Members had received some complaints from residents regarding this decision by Stagecoach.

Members acknowledged that this was a decision by a private company, but further said that the company was providing a public service.

- 5.2 The Panel invited Stagecoach, KCC representatives and Councillor Mave Saunders as the JTB Vice Chair to an extraordinary meeting to discuss the issue regarding the decision to discontinue bus services for some routes in the district. However Stagecoach did not accept the invitation and the meeting did not take place.
- 5.3 As the Panel cannot compel private organisations to comply with the invitation to attend a Panel meeting, the Panel took no further action.

Interruption of Water Supply - Southern Water

- 5.4 A Panel Member requested that the Panel review the multiple incidents of water supply outages in some parts of Thanet. As part of the debate, the Panel heard evidence from a member of the public.
- 5.5 The Panel agreed that Southern Water representatives be invited to the Panel meeting on 14 March 2023 to discuss the issue regarding the multiple water supply interruptions that had affected some parts of the district, particularly between December 2022 and January 2023. Southern Water representatives attended the Panel meeting and gave a fulsome presentation explaining the causes of the water supply outages and the compensation payments they had made.
- 5.6 They further explained the short term and long term investment decisions they were going to make to improve the water infrastructure in the district. Southern Water apologised for the water supply interruptions and the hiccups faced in delivering water bottles to affected residents especially the vulnerable residents. They also apologised for the missed compensation payments and they promised to resolve those payments.
- 5.7 Southern Water were invited back to a future Panel meeting and they accepted to come back in a year's time to share on progress made to correct some of the issues highlighted in the discussion. This item would now need to be added to the 2023/24 work programme for the Panel.

TDC Net Zero Strategy Presentation

- 5.8 The Chair requested a presentation on the Council's Net Zero Strategy in view of the UK High Court decision that declared the national net zero strategy as being inadequate.
- 5.9 The Panel was advised that The High Court judgement said that the UK national Net Zero Strategy did not meet the requirements for Net Zero in relation to the 6th Carbon budget 2033-37. There was a 5% shortfall in the national strategy targets. The UK Government would now need to update their strategy which would then be scrutinised by Parliament to ensure compliance with the requirements. The national strategy had not been quashed by the High Court.
- 5.10 The ruling did not undermine the national strategy. On the contrary, the ruling demonstrated that this national strategy was enforceable. The 5% inaccuracy in the national strategy did not affect the Thanet District Council Strategy.

5.11 After the presentation the Panel agreed to take no further action.

6.0 Councillor Call For Action

6.1 The request for action was not a reflection on the Housing team but rather about external agencies. Funding for housing development by councils was decreasing continuously and this had affected most local councils. Calling on all external partners to attend a full hearing would help come up with how this issue could be resolved and there was no fault in asking for help.

6.2 Section 21 evictions were affecting a number of families. In June this year, 187 families were put in temporary accommodation, with 94 of them placed outside Thanet. It was worrying that the council was now used to not getting a response from the government and the council needed to do more. The issues being faced by Thanet residents need to be addressed by policy makers and not for the Housing team to cope with the situation.

6.3 The Panel Chair acknowledged that the Member who submitted the call for action had raised this matter with the Housing department, Cabinet and Full Council in an appropriate way and had been responded to correctly. However the council could not compel private companies on how they should run their businesses.

6.4 The Chair further said the Panel existed to improve the decisions and actions taken by the Council within the Council's remit. The issue raised by the Member was not new and had not recently arisen. It would be difficult to justify hosting a full hearing when it was extremely unlikely that they would be able to find a solution, when such resources could be used for housing needs. The Panel Chair concluded that the call for action request was not appropriate and put the issue up for vote on whether Members wanted to debate the call for action item. When put to the vote the Panel agreed not to debate the matter.

7.0 Pre Decision Scrutiny

7.1 The Panel reviewed proposals on a number of issues that later went to cabinet and in some cases Council for final approval. These included the following:

- Adoption of the following strategy: Resident Involvement;
- Resident Involvement Expenses and Incentive Policy;
- Food Service Plan 2022/2024;
- Fees and Charges 2023/24;
- Council Budget for 2023/24;
- HRA Budget for 2023/24;
- HRA tower blocks refurbishment and retrofit programme;
- Net Zero Strategy and Action Plan;
- Decarbonisation of the Council's Housing Stock;
- Housing Estate; Strategy, Policy and Standards;
- Housing Services Standards; Repairs and Lettings.

- 7.2 With regards to the Budget proposals for 2023/24, the Panel proposed that Cabinet considered recommending to Council for inclusion in the 2023/24 General Fund Revenue Budget, the appointment of a 3rd officer for the home energy services team who will provide a cold buster service.
- 7.3 In response to the Panel request, Cabinet agreed to defer any decision about the Cold Buster Service, until an assessment of the broad options for the use of the Better Care Fund was considered through a separate report to a subsequent Cabinet meeting. As a result, the Council budget was presented to the 9 February 2023 Council meeting in the form as proposed by Cabinet.
- 7.4 The Panel could add this item to the 2023/24 work programme and see whether there is a possibility for bringing this recommendation back to Cabinet.

8.0 Options

- 8.1 Members are asked to comment on and note the report

Or

- 8.2 Members may simply wish in addition to noting the report, make suggestions to the work of the Panel.

Contact Officer: Charles Hungwe, Senior Democratic Services Officer, Tel: 01843 577186
Reporting to: Nick Hughes, Committee Services Manager, Tel: 01843 577208

Annex List

Annex 1: Overview & Scrutiny Panel Scrutiny Review Topics for 2022/23
Annex 2: Record of OSP Pre and Post Decision Reviews up to 2022/23

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham Acting Director of Finance and Operations
Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

Table as at March 2023

Title Of the Scrutiny Review	Review Type	Date added to the scoring table	Membership	Is the topic related to a priority or value within the Council's Corporate Plan?	Is the topic of high public concern?	Is the topic currently under performing as per the Council's quarterly performance monitoring?	Will the topic result in recommendations that save that Council money or generate income?	Time on the list?	Implications for officer resource allocation	Total	Rank	Completion Status
Empty Properties: Why does Thanet have the highest number of empty properties in Kent and what approaches can be used to put these properties to use in a timely manner?	A	14/8/20	TBC	10	10	0	10	20	20	70	=1st	
Managing anti-social behaviour on Thanet beaches: Are beach inspectors the best way to control or manage beach behaviour?	B	14/8/20	TBC	10	20	-	10	20	10	70	=1st	

Working with Town and Parish Councils How can TDC work more closely and efficiently with Town and Parish Councils to maximise benefits and opportunities for the residents of Thanet?	B	21/4/22	TBC	20	10	0	20	0	10	60	=3rd	A working party was established on 26 May and had its first meeting on 7 July. Officers were tasked with creating a questionnaire from the main questions that were signed off by the sub group. A questionnaire for focusing separately on parish/town council representatives (Clerks and Chairs), TDC lead Members and TDC officers had been sent out and responses were still being received by the Democratic Services team. A session each was held separately with cabinet members and parish/town council chairs and clerks on 27 October and 3 November respectively. On 9 November the working party rounded off its information gathering exercise with a session with TDC officers. The working party met again on 2 February 2023 to finalise the report which was presented to the Panel meeting on 14 March 2023. The Panel adopted the report and all the recommendations and forwarded it to Cabinet for decision.
Private rented sector: How does TDC regulate private landlords and letting agencies in Thanet?	B	14/8/20	TBC	10	10	-	10	20	10	60	=3rd	
Weed killer usage: What is the best approach for managing grass and hedges	B	14/8/20	TBC	10	10	-	10	20	10	60	=3rd	

in public open spaces in the district that can be used to replace the use of weed killers?													
Camper Vehicles being parked on the street for too long: What is the impact of parked Camper vans on the Thanet roads and can this be regulated by Thanet District Council?	B	14/8/20	TBC	10	10	-	10	20	10	60	=3rd		
Promenades - safety concerns cyclists speeding and sharing the footpath: Would a dedicated cycle path (or markings) along the promenade help control bike/pedestrian placement (and cyclist speed)?	B	14/8/20	TBC	10	20	-	0	20	10	60	=3rd		
Statues and Blue Plaques: What would be the best approach for managing the discussion on and review of suitability of statues and plaques in the district?	B	14/8/20	S Piper	10	20	-	0	20	10	60	=3rd	Panel received three update reports via the Memorials Working Group Chair. Panel agreed on 20 April to keep this activity in abeyance until after new legislation national monuments and heritage was enacted. Now that the national guidance is available, the working party activities have been revived. The working party will meet towards the end of September and conclude their work before reporting back to the Panel on 25 October. The meeting was postponed as officers were working on the draft policy. A new date for the meeting will be arranged once the draft document is ready for sharing with the sub group.	
Water user group regulation: What role does TDC have in ensuring the safety of swimmers and other water users from the behaviour of boat and jet ski users in Thanet bays?	C	14/8/20	TBC	10	20	-	0	20	0	50	=9th		

Rough Sleepers: what are we doing about this as a long term plan of addressing the issue (post COVID-19)?	C	14/8/20	TBC	10	10	0	10	20	0	50	=9th	
Shellfish collection enforcement: How is the collection of shellfish from Thanet beaches regulated and how can enforcement be best managed?	C	14/8/20	TBC	10	10	-	0	20	0	40	=11th	

A:1 Day – 4 weeks Review: **limited officer resource allocations required** for a successful review

B:More than 4 weeks and up to 3 months – **significant officer resource allocations required** for a successful review

C:More than 3 months: **very significant officer resource allocation required** for a successful review

Completed Reviews

Title Of the Scrutiny Review	Review Type	Date added to the scoring table	Membership	Is the topic related to a priority or value within the Council's Corporate Plan?	Is the topic of high public concern?	Is the topic currently under-performing as per the Council's quarterly performance monitoring?	Will the topic result in recommendations that save that Council money or generate income?	Time on the list?	Implications for officer resource allocation	Total	Rank	Completion Status
Coastal waste clearance: How does Thanet ensure that its coastal promenades and beaches are kept clear of rubbish and in the best condition for both residents and visitors?	B	14/8/20	Fellows Keen Austin Rattigan Tomlinson	10	20	20	10	20	10	70	1st	Review complete. Recommendations forwarded to Cabinet by the Panel on 19 April 2022. Cabinet to consider the recommendations on 16 June 2022. review completed.
Replacement bins for litter/dog waste: What is the council's reasoning behind complete removal of damaged bins and not replacing them?	A	14/8/20	As above	10	20	-	10	20	20	60	2nd	This topic is being covered together with the coastal waste items above. Review complete. Recommendations forwarded to Cabinet by the Panel on 19 April 2022. Cabinet to consider the recommendations on 16 June 2022. review completed.
Selective Licensing - Is selective licensing the best way forward for the improvement of the privately rented sector	C	14/8/20	All members of the panel	10	10	-	20	0	0	40	=5th	officer report considered. review completed.

Thanet and if so, could it be replicated in other areas of the district?												
Planning enforcement in the district is slow: Why is the planning enforcement process seemingly so slow in Thanet and how can it be made more efficient?	C	14/8/20	All members of the panel	10	10	-	20	0	0	40	=5th	officer report considered. Further scrutiny proposals being considered. A Planning Enforcement Review Working Party was set up on 20 April 2021 and will have its first meeting on 25 June. Working party recommendations were adopted by the Panel on 20 July 2021. review completed. However a report will be brought to osp on 21 July 2022 to report on the results of the protocol review.
Modern Slavery: - hand car washes. Is there any intervention the council can do to address the issue of modern slavery?	C	14/8/20	All members of the panel	10	10	-	0	20	0	20	11th	Kent Police made a presentation on 18 January 2022 and the Panel decided to take no further action on this topic. review completed.

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OSP Pre and Post Decision Reviews for 2022/23

Date of scrutiny meeting	Item	Pre-decision	Post Decision	Cabinet Presentation	Work Planning
26/05/22	Adoption of the following strategy: Resident Involvement	<input checked="" type="checkbox"/>			
26/05/22	Resident Involvement Expenses and Incentive Policy	<input checked="" type="checkbox"/>			
26/05/22	Food Service Plan 2022/2024	<input checked="" type="checkbox"/>			
26/05/22	Establish the Overview and Scrutiny Panel Work Programme for 2022/23				<input checked="" type="checkbox"/>
26/05/22	Forward Plan				<input checked="" type="checkbox"/>
21/07/22	Planning Enforcement Protocol Review - Update Report	<input checked="" type="checkbox"/>			
21/07/22	Tenant and Leaseholder Services KPI Q4		<input checked="" type="checkbox"/>		
21/07/22	Review OSP Work Programme 2022/23				<input checked="" type="checkbox"/>
21/07/22	Forward Plan				<input checked="" type="checkbox"/>
30/08/22	Approval of Net Zero Strategy and Action Plan for public consultation	<input checked="" type="checkbox"/>			
30/08/22	Councillor Call For Action - Housing Rentals and	<input checked="" type="checkbox"/>			

	Evictions for Low Income Households				
30/08/22	Review OSP Work Programme 2022/23				<input checked="" type="checkbox"/>
30/08/22	Forward Plan				<input checked="" type="checkbox"/>
25/10/22	Cabinet Member Presentation by the Deputy Leader - Levelling Up Funds and Regeneration Projects in Thanet			<input checked="" type="checkbox"/>	
25/10/22	TLS KPI Q1 2022/23 - Housing Performance Report		<input checked="" type="checkbox"/>		
25/10/22	Review of OSP Work Programme for 2022/23				<input checked="" type="checkbox"/>
25/10/22	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
24/11/22	Cabinet Member Presentation by the Leader of the Council - An Update on the Manston Processing Centre and its effects on the local area			<input checked="" type="checkbox"/>	
24/11/22	Decarbonisation of the Council's Housing Stock	<input checked="" type="checkbox"/>			
24/11/22	Quarter 1 Budget Monitoring Report 2022/23		<input checked="" type="checkbox"/>		
24/11/22	Housing Estate; Strategy, Policy and Standards	<input checked="" type="checkbox"/>			
24/11/22	Housing Services Standards; Repairs and Lettings	<input checked="" type="checkbox"/>			
24/11/22	Review of OSP Work Programme for 2022/23				<input checked="" type="checkbox"/>

24/11/22	Forward Plan				<input checked="" type="checkbox"/>
17/01/23	Cabinet Member Presentation - The Efficacy of using the CAGs Approach in policy development and decision making			<input checked="" type="checkbox"/>	
17/01/23	Fees and Charges for 2023/24	<input checked="" type="checkbox"/>			
17/01/23	HRA Budget for 2023/24	<input checked="" type="checkbox"/>			
17/01/23	Council Budget for 2023/24	<input checked="" type="checkbox"/>			
17/01/23	Review of OSP Work Programme for 2022/23				<input checked="" type="checkbox"/>
17/01/23	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
16/02/23	Corporate Performance report		<input checked="" type="checkbox"/>		
16/02/23	Tenant & Leaseholder Services Performance report		<input checked="" type="checkbox"/>		
16/02/23	TDC Net Zero Strategy Presentation		<input checked="" type="checkbox"/>		
16/02/23	HRA tower blocks refurbishment and retrofit programme	<input checked="" type="checkbox"/>			
16/02/23	Review of OSP Work Programme for 2022/23				<input checked="" type="checkbox"/>
16/02/23	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>
14/03/23	Southern Water Presentation	<input checked="" type="checkbox"/>			
14/03/23	TDC and Parish & Town Councils Collaboration	<input checked="" type="checkbox"/>			

	Working Party Report				
14/03/23	Review of OSP Work Programme for 2022/23				<input checked="" type="checkbox"/>
14/03/23	Forward Plan & Exempt Cabinet Report List				<input checked="" type="checkbox"/>

STANDARDS COMMITTEE CHAIR'S ANNUAL REPORT

Council	30 March 2023
Report Author	Peter Tucker (Co-opted Independent Member)
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

The Chair's annual report summarises and comments on the work of the Standards Committee for the period April 2022 - March 2023.

Recommendation(s):

That members note the report.

Corporate Implications

Financial and Value for Money

There are no financial or value for money implications arising from this report.

Legal

The role of the Standards Committee is to promote high standards of conduct by councillors and co-opted members in accordance with the Members' Code of Conduct who adopted the Kent Members Code of conduct in 2021. The Code of Conduct is adopted under section 27(2) of the Localism Act 2011 and is based on the 7 principles of Public life under section 28(1) of the Localism Act.

This report relates to the Committee's function to monitor the effectiveness of the Code of Conduct.

Corporate

The role of the Standards Committee is to promote high standards of conduct by councillors and co-opted members in accordance with the Members' Code of Conduct. This report relates to the Committee's function to monitor the effectiveness of the Code of Conduct.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

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

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

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- *Communities*

1.0 Introduction

1.1 This is my Annual Report as chair of the Standards Committee

1.2 It is pleasing to say that none of the complaints made required a formal investigation therefore saving the Council unnecessary expenditure.

1.3. With the advent of local elections new members will need advising of the work of the Standards Committee and be made aware of the Council Code of Conduct and declarations of interest.

2. Membership

2.0 Constitutional Review Working Party (CRWP)

Committee agenda papers and minutes are available on the Council’s website (www.thanet.gov.uk). Attendance details for 2022/23 are as follows:

	Members	1st September 2022	28th February 2023
C O M M I T T E E M E M B E R S	Peter Tucker	✓	✓
	Councillor Ashbee	✓	✓
	Councillor Austin	✓	✓
	Councillor Hopkinson	Ab	N/A
	Councillor Hart	✓	N/A
	Councillor Potts	Ab	Ab
	Councillor Kup	N/A	✓
	Councillor Currie	N/A	✓
	Michael Clarke	✓	A
	Peter Lorenzo	✓	✓
	Carolyn Ruston	Ab	A

2.1 CRWP met on 1 September 2022 and 28 February 2023. The Working Party discussed the following: Revised Members Code of Conduct, Revised Complaints Arrangements and the start times of evening council meetings.

3.0 Standards Committee

2.2 The Standards Committee meetings scheduled for 31 May 2022, 13 September 2022 and 9 March 2023 were cancelled due to lack of business. The Standards Committee meeting of 10 March 2022 discussed the Revision to Delegations, Amendments to the Leaders Report, Questions from Members to Council and Standards Complaint Statistics. Furthermore, the 10 November 2022 meeting discussed the Revised Members Code of Conduct, the Revised Complaints Arrangements and the Standards Complaints Statistics.

Committee agenda papers and minutes are available on the Council's website (www.thanet.gov.uk). Attendance details for 2022/23 are as follows:

	Members	10th March 2022	31st May 2022	13th September 2022	10th November 2022	9th March 2023
C O M M I T T E E M E M B E R S	Peter Tucker	✓	Cancelled	Cancelled	✓	Cancelled
	Councillor J. Bayford	✓	Cancelled	Cancelled	✓	Cancelled
	Councillor Braidwood	AB	Cancelled	Cancelled	✓	Cancelled
	Councillor Crittenden	✓	Cancelled	Cancelled	✓	Cancelled
	Councillor Dexter	✓	Cancelled	Cancelled	✓	Cancelled
	Councillor Duckworth	✓	Cancelled	Cancelled	N/A	Cancelled
	Councillor Fellows	✓	Cancelled	Cancelled	✓	Cancelled
	Councillor Kup	A	Cancelled	Cancelled	✓	Cancelled
	Councillor Scobie	✓	Cancelled	Cancelled	✓	Cancelled
	Parish Councillor Quittenden	✓	Cancelled	Cancelled	✓	Cancelled
	Parish Councillor Crow-Brown	✓	Cancelled	Cancelled	A	Cancelled
	Peter Lorenzo	✓	Cancelled	Cancelled	✓	Cancelled
	Carolyn Ruston	N/A	Cancelled	Cancelled	A	Cancelled
	Michael Clarke	N/A	Cancelled	Cancelled	✓	Cancelled

3.0 Complaints about Member Behaviour Considered by a Standards Sub Committee of Thanet District Council 2022/23

3.1 The Council received 14 complaints raised under the Members' Code of Conduct between 01 March 2022 and 01 March 2023.

3.2 Of the 14 complaints received in this period;-

- 1 considered to not be a standards complaint;
- 1 was remained outstanding;
- 1 was withdrawn;
- 7 were considered not to meet the jurisdiction test; and
- 4 cases were therefore progressed for consideration by a sub-committee.

3.3 Of those 4 complaints progressed to the sub-committee, all 4 were considered to be suitable for the informal resolution process. The sub-committee made various recommendations back to the complainants and subject members. No complaints were referred for further investigation.

3.4 The sub-committee dealt with a number of complaints from both councillors and members of the public about posts on social media sites.

- 3.5. The Standards Committee recruited two new Independent Members who were Ms Carolyn Ruston and Mr Michael Clarke.

4.0 Thanks

- 4.1. I would like to express my thanks to officers in Democratic Services, Members of the Standards Committee for their dedication including the Independent Members. I would also like to thank the Independent Person for the work he undertook.

Annex List

Annex 1: List of Complaints 2022

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Acting Deputy Chief Executive)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

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Complaint Table 2022-23

COMPLAINT NO:	DATE	PROGRESS	COMPLAINANT	AGAINST	ALLEGATION
TDCSC273/22	06/04/2022	Did not meet the jurisdiction test. Closed	Member of the public	TDC Councillor	-
TDCSC274/22	07/04/2022	Withdrawn	Other Council officer or authority employee	TDC Councillor	-
TDCSC275/22	13/04/2022	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillors	-
TDCSC276/22	05/07/2022	Informal Dispute Resolution procedure instigated.	Other Council officer or authority employee	TDC Councillor	Allegation of inappropriate social media commentary
TDCSC277/22	08/07/2022	Did not meet the jurisdiction test. Closed.	Member of the public	Town Councillor	-
TDCSC278/22	24/07/2022	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillors	-
TDCSC279/22	27/07/2022	Did not meet the jurisdiction test. Closed.	Member of the public	Town Councillor	-

TDCSC280/22	10/08/2022	Not standards. Closed.	Member of the public	TDC Councillors	-
TDCSC281/22	14/09/2022	Did not meet the jurisdiction test. Closed.	Member of the public	TDC Councillor	-
TDCSC282/22	27/09/2022	Did not meet the jurisdiction test. Closed.	TDC Councillor	TDC Councillor	-
TDCSC283/22	07/11/2022	Outstanding	Other Council officer or authority employee	TDC Councillor	
TDCSC284/22	28/11/2022	Informal Dispute Resolution procedure instigated.	Other Council officer or authority employee	Town Councillor	Alleged inappropriate involvement of the finances, bullying and victimisation.
TDCSC285/22	23/11/2022	Informal Dispute Resolution procedure instigated.	TDC Councillor	Town Councillor	Alleged inappropriate use of council's property and abuse of power
TDCSC286/22	10/11/2022	Informal Dispute Resolution procedure instigated.	Other Council officer or authority employee	TDC Councillor	Alleged inappropriate use of council's property and abuse of power

**REVIEW OF THE EFFECTIVENESS OF THE GOVERNANCE AND
AUDIT COMMITTEE AND ANNUAL REPORT FOR 2022/23**

Meeting	30 March 2023
Report Author	Chair of the Governance & Audit Committee
Portfolio Holder	Cabinet member for Finance
Status	For Information
Classification:	Unrestricted
Key Decision	No
Reasons for Key	N/A
Previously Considered by	None
Ward:	Thanet wide

Executive Summary:

The annual report summarises the achievements of the Governance and Audit Committee against its terms of reference for the 2022-23 financial year and details the impact that it has made on the overall system of internal control in operation for that period.

Recommendation(s):

Members are invited to discuss and note the report.

Corporate Implications

Financial and Value for Money

The committee plays a key role in overseeing the authority's financial administration, including the approval of the Council's annual statement of accounts and considering the adequacy of its control environment and approach to risk management.

Legal

The Council is meeting best practice by having in place a Governance and Audit Committee, as this is not a mandatory or statutory function. In adopting the CIPFA guidance for the terms of reference for the Committee the Council is meeting the standards set out for the public sector.

Corporate

Under its Local Code of Corporate Governance the Council is committed to comply with requirements for the independent review of the financial and operational reporting processes, through the external audit and inspection processes, and satisfactory arrangements for internal audit. The functions of the Governance and Audit Committee contribute to the overall internal control environment for the Council and feed into the Annual Governance Statement process

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

There no equity and equalities issues arising directly from this report but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Growth

1.0 Introduction and Background

1.1 The purpose of the Council's Governance and Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent review of the authority's financial and non-financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.

1.2 To comply with best practice the Committee considers annually how it has met its terms of reference and how it has impacted on the internal control environment. The purpose of this report is to consider the self-assessment that has been undertaken and summarise any improvement opportunities for the forthcoming year.

2.0 Background

2.1 The annual report attached at Annex 1 summarises the work of the Committee for the year and concludes that it has received clear, concise and relevant information, training on topics specific to the business of the Committee, and has done all that it can to meet the aims and objectives for the Committee in the best way that it can.

Contact Officer: Sameera Khan, Interim Head of Legal & Monitoring Officer
Reporting to: Colin Carmichael, Interim Chief Executive

Annex List

Annex 1: Governance & Audit Committee Annual Report 2022/23

Background Papers

None

Corporate Consultation

Finance: Chris Blundell, Acting Deputy Chief Executive

Legal: Sameera Khan, Interim Head of Legal & Monitoring Officer

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Governance and Audit Committee

ANNUAL REPORT 2022/23

Foreword by Councillor Kerry Boyd, Chair of the Governance & Audit Committee

This report provides an overview of the Governance and Audit Committee's activity during the municipal year 2022/23.

I am pleased to report that the Committee continues to discharge its responsibilities to provide independent assurance on the adequacy of the council's risk management framework and the associated control environment, and provides robust scrutiny and challenge of the Authority's financial performance.

As outlined in the body of this report, the Committee has been actively engaged with both internal and external audit, and I would like to thank all the Members who served on the Committee during 2022/23. My thanks also go to the Council officers who have supported me in my role as Chair, and in the work of the Committee.

1.0 Introduction and Background

- 1.1 The Council established a Governance and Audit Committee in March 2006. Whilst there is no statutory obligation to have an Audit Committee, they are widely recognised as a core component of effective governance. In recent years there has been a significant amount of regulation and guidance issues in governance arrangements for private and public sector bodies, the common feature of governance arrangements being the existence of an Audit Committee.
- 1.2 The purpose of the Council's Governance and Audit Committee is to provide independent assurance of the adequacy of the risk management framework and the associated control environment, independent review of the authority's financial and non financial performance to the extent that it affects the authority's exposure to risk and weakens the control environment, and to oversee the financial reporting process.
- 1.3 There are many benefits to be gained from an effective Audit Committee. In fulfilling its role the Committee will:
- reduce the risks of illegal or improper acts;
 - reinforce the importance and independence of internal and external Audit;
 - increase confidence in the objectivity and fairness of financial reporting.
 - Stricter internal control and the establishment of a Governance and Audit Committee can never eliminate the risks of serious fraud, misconduct or misrepresentation of the financial position. However, it will:
 - give additional assurance through a process of independent and objective review; and
 - raise awareness of the need for internal control and the implementation of audit recommendations.
- 1.4 This year the need for a strong and effective governance has been demonstrated. As reported elsewhere on this agenda the Council has made good progress on implementing the Independent Monitoring Officer and External Auditor's section 24 recommendations.

2. Membership

- 2.1 The Governance and Audit Committee comprises between 12 and 14 Members. Committee agenda papers and minutes are available on the Council's website (www.thanet.gov.uk). Attendance details for 2022/23 are as follows:

	Members	27 th Jul. 2022	28 th Sep. 2022	30 th Nov. 2022	8 th Mar. 2023
C O M M I T T E E M E M B E R S	Cllr Boyd (C)	✓	✓	✓	✓
	Cllr Dexter (VC)	Ab	✓	Ab	✓
	Cllr Austin				✓
	Cllr Braidwood	A	A	A	Ab
	Cllr Duckworth	✓	✓	✓	✓
	Cllr Garner	✓	✓	✓	✓
	Cllr Hopkinson	A	✓	✓	
	Cllr Kup	✓	A		
	Cllr Leys	✓	A	✓	✓
	Cllr Pat Moore	A	Ab	Ab	Ab
	Cllr Shrubbs	✓	✓	✓	✓
	Cllr Towing	✓	✓	✓	✓
	Cllr Whitehead	✓	✓	✓	A

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R S					
R E S E R V E S	Cllr Everitt	NA	NA	NA	NA
	Cllr Wright	NA	S	NA	NA
	Cllr Yates	NA	S	S	NA

Key
 C/C Chair/Vice Chair NA Not Applicable S Present as Substitute
 A Apologies IA In Attendance Ab Absent

3.0 Programme of reports 2022/23

3.1 Detailed below is the programme of reports considered by Governance and Audit Committee during 2022/23, and how they relate to the Committee's terms of reference.

Function/Issue	Responsible Officer / Body	27th Jul. 2022	28th Sept. 2022	30th Nov. 2022	8th Mar. 2023
Audit activity					
Quarterly Internal Audit Update Report	EKAP	✓	✓	✓	✓
Internal Audit Annual Report 2021-22	EKAP	✓			
Internal Audit Charter & Draft Internal Audit Plan 2023-24	EKAP				✓
Regulatory framework					
Risk Management Strategy	DF	✓	✓	✓	
Corporate Risk Management – Quarterly Update	DF	✓			
Annual Treasury Management Review 2021-22	DF	✓			✓
Update to RIPA Policy and Annual Report	DF	✓			
2020/21 Statement of Accounts	DF	✓			
Quarter 1 Review 2022-23: Treasury Management and Annual Investment Strategy	DF		✓		
Annual Governance Report	DLD		✓		
An Update on Corporate Property Issues	DP			✓	
Mid Year Review 2022-23: Treasury Management and Annual Investment Strategy	DF			✓	
Draft Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy for 2023-24	DF			✓	
Quarter 3 Review 2022-23: Treasury Management and Annual Investment Strategy	DF				✓
Procurement Waivers 2022-23	DF				✓
Homes England Audit – New Build	DP				✓
ICT Security Update	ICT				✓

Key

DLD Director of Law and Democracy and acting Monitoring Officer
 EKAP East Kent Audit Partnership
 DP Director of Place
 DF Director of Finance

4.0 Review of the Governance and Audit Committee's effectiveness

4.1 The Governance and Audit Committee should ensure it has effective communication with the authority, to include the Executive, the Head of Internal Audit, the External Auditor and other stakeholders. Consequently it is considered to be best practice for the Committee to be self aware and to submit an annual report to Council.

4.2 The annual report summarises the work of the Committee for the year and concludes that it has received clear, concise and relevant information, training events on topics specific to the business of the Committee, and has done all that it can to meet the aims and objectives for the Committee in the best way that it can.

5.0 Annual Report

- 5.1 The work of internal audit provides independent and objective assurance on the adequacy and effectiveness of those systems on which the Authority relies for its internal control.
- 5.2 The work of external audit provides an opinion as to whether the council's statements of accounts represent a 'true and fair' view of the authority's financial position and transactions, as well as providing an opinion on the council's arrangements in place to secure value for money.
- 5.3 There have been substantial delays to the completion of the 2020/21 audit and also the publication of the 2021/22 draft accounts. This has limited the committee's ability to approve the council's statement of accounts in accordance with regulations.
- 5.4 Whilst the committee has received regular updates from the s151 officer about the progress that has been made, and acknowledges that these matters are systemic across the local government sector, the committee has voiced its concern and frustrations at the pace of progress.
- 5.5 The Committee reviews the Council's Governance Framework as appropriate and Local Code of Corporate Governance annually.
- 5.6 The Committee reviews the Risk Management Strategy on a regular basis and considers the effectiveness of the risk management process both through the work of internal audit and through receiving quarterly risk management reports.
- 5.7 The Committee considers the effectiveness of the internal audit arrangements by reviewing the quality of reports, actions and follow-ups through the quarterly reports submitted during the year to the Committee.
- 5.8 The Committee is able to request service managers and, where necessary, the relevant portfolio holder to attend the Committee to give an update on progress against agreed actions to reduce risk and/or improve governance.
- 5.9 The Chair and Officers have considered the effectiveness of the Committee. The self-assessment evidence demonstrating achievement of the Committee's terms of reference is attached at Appendix 1.
- 5.10 The Annual Governance Statement was approved by this Committee on 28th September 2022, which was slightly delayed following the departure of the Head of Legal. The Interim Head of Legal was appointed in July which meant a slight delay in the report being submitted to this committee. Link to the Annual Governance Statement is attached at <https://democracy.thanet.gov.uk/documents/s78832/Accessible%20Corporate%20Report.pdf>;
- 5.11 The Governance and Audit committee's action plan for 2023/24 is attached at Appendix 2

6.0 Future Challenges

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- 6.1 The Governance and Audit Committee looks forward to the conclusion of the implementation of the recommendations made by the Independent Monitoring Officer, and by Grant Thornton's Statutory Recommendations.
- 6.2 The committee also looks forward to significant progress being made with the conclusion of audits relating to prior financial years and the publication of the draft 2021/22 and 2022/23 accounts.
- 6.3 The Governance and Audit Committee will continue with its existing duties whilst continually striving to achieve best practice where this is feasible and affordable. In the forthcoming year, the Committee will need to:
- oversee corporate risk management within the context of change arising from the continued limitation of resources
 - maintain effective internal control of limited government funding, increased service demands and economic uncertainty
 - update its RIPA policy with the revised Home Office CHIS code of Practice published in December 2022
 - update on the training for our RIPA Authorising Officers/Directorate as well as training for authorising Covert Human Intelligence Sources (CHIS) if necessary.
 - make the Code more of a forward facing document by identifying and planning future changes in governance arrangements
 - moving documents to the Council's website and provide links to those documents in reports

7.0 Appendices

Appendix 1 Governance and Audit Committee Annual Assessment for the period

Appendix 2 Governance and Audit Committee Action Plan for the period 2023/24

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Governance and Audit Committee Self-assessment of good practice - Appendix 1

Good practice questions	Yes	Partly	No	Comments/Action
Audit Committee purposes and governance				
Does the council have a dedicated Audit Committee?	✓			
Does the Audit Committee report directly to full council?	✓			Annual Report of Governance and Audit Committee that goes to Annual Council
Do the terms of reference clearly set out the purpose of the committee in accordance with CIPFA's Position Statement?	✓			
Is the role and purpose of the audit committee understood and accepted across the authority?	✓			Set out in the constitution and understood by Members and officers
Does the audit committee provide support to the authority in meeting the requirements of good governance? Is an annual calendar of meetings/reports prepared to ensure all duties noted in the terms of reference are fulfilled?	✓			Meeting dates are arranged with deadline dates in mind to ensure they are met. Council protocol to issue agenda at least 5 clear working days prior to the meeting.
Are the arrangements to hold the committee to account for its performance operating satisfactorily?	✓			
Functions of the committee				
Do the committee's terms of reference explicitly address all the core areas identified in CIPFA's Position Statement?				
<ul style="list-style-type: none"> • Good governance 	✓			The committee has actively engaged with GT in its review of culture and governance
<ul style="list-style-type: none"> • Assurance framework 	✓			
<ul style="list-style-type: none"> • Internal audit 	✓			The committee received quarterly reports from internal audit
<ul style="list-style-type: none"> • External audit 	✓			The committee receives regular reports from external audit and received particular updates this year about the review of culture and governance, leading to the statutory recommendations
<ul style="list-style-type: none"> • Financial reporting 		✓		There have been delays to the completion of the 2020/21 audit of the statement of accounts and also delays to the publication of the draft 2021/22 accounts. This has limited the ability of the Committee to discharge this function.
<ul style="list-style-type: none"> • Risk management 	✓			
<ul style="list-style-type: none"> • Value for money or best value 		✓		This is work also provided by internal and external audit

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<ul style="list-style-type: none"> Counter-fraud and corruption 		✓		This is work also provided by internal and external audit.
Is an annual evaluation undertaken to assess whether the committee is fulfilling its terms of reference and that adequate consideration has been given to all core areas?	✓			Annual report sets out the work undertaken in accordance with the committee terms of reference. This includes all core areas.
Has the audit committee considered the wider areas identified in CIPFA's Position Statement and whether it would be appropriate for the committee to undertake them?	✓			
Where coverage of core areas has been found to be limited, are plans in place to address this?			n/a	Core areas sufficiently covered
Has the committee maintained its non-advisory role by not taking on any decision-making powers that are not in line with its core purpose?				
Membership and support				
<p>Has an effective audit committee structure and composition of the committee been selected?</p> <p>This should include:</p> <ul style="list-style-type: none"> Separation from the executive An appropriate mix of knowledge and skills among the membership A size of committee that is not unwieldy Where independent members are used, that have been appointed using an appropriate process 	n/a	n/a	n/a	Members of the Committee are independent of the Executive, however Cllr Kupp was a member of the committee for a period of the year, due to an administrative oversight.
Does the chair of the committee have appropriate knowledge and skills	✓			
Are arrangements in place to support the committee with briefings and training?	✓			<p>Governance and Financial section within formal Induction Programme for Members following Elections. Training sessions provided throughout the year, especially for the Statement of Accounts. Members also request training when required.</p> <p>Training on Treasury Management was provided to committee members by the Council's external advisors and took place during the first quarter.</p>
Has the membership of the committee been assessed against the core knowledge and	✓			

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skills framework and be found to be satisfactory?				
Does the committee have good working relations with key people and organisations, including external audit, internal audit and the chief finance officer?	✓			The committee has very good working relationships with key officers, and with internal and external Audit.
Is adequate secretariat and administrative support to the committee provided?	✓			Provided by Democratic Services
Effectiveness of the committee				
Has the committee obtained feedback on its performance from those interacting with the committee or relying on its work?	✓			Customer Feedback is detailed in the quarterly Internal Audit update reports and the Internal Audit Annual Report.
Has the committee evaluated whether and how it is adding value to the organisation?		✓		Partly through the Annual Report
Does the committee have an action plan to improve any areas of weakness?	✓			See actions recommended below.

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Governance and Audit Committee Action Plan 2022/23 - Appendix 2

Following the completion of an annual assessment of the performance of the Governance and Audit Committee for the period May 2022 to April 2023, the issues below were identified and action will be undertaken during the period May 2023 to April 2024 to address these.

Ref	Action	Proposed Action	Proposed completion date	Responsible officer / body
22-23/01	Outcome of the work on the Statutory Recommendations	The committee notes that regular reports on progress are reported to GPC and full Council. As part of its remit to monitor good governance, the committee would expect to receive a report on progress/outcome from GT in due course	July 2023	Grant Thornton
23-24/02	Review the committee's terms of reference to sure they are up to date and relevant	To be undertaken as part of a general review of terms of reference of committees	December 2023	HoL
23-24/03	Update the local Code of Corporate Governance	To be reviewed by this committee and published as a standalone document on the Council's website	June / July 2023	HoL
23-24/04	Move to make the Local Code of Corporate Governance web rather than paper-based	Create a dedicated web page on the internet site - work underway, see above	June / July 2023	HoL
23-24/05	Induction training	Induction training for all new and returning members sitting on the Governance and Audit Committee	June / July 2023	DCS

Key:

HoL Head of Legal & Monitoring Officer
DCS Director of Corporate Services & S151 Officer

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Independent Review of the Berth 4/5 Project

Meetings	Council 30th March 2023
Report Authors	Chris Blundell (Acting Deputy Chief Executive)
Portfolio Holder	Councillor Ash Ashbee
Status	For Noting
Classification:	Unrestricted
Key Decision	No
Ward:	All Wards

Executive Summary:

This report informs Members about the outcome of the Independent Review of the Berth 4/5 capital scheme that has been undertaken on the recommendation made in the report of the Independent Monitoring Officer.

Recommendation:

Full Council are asked to note the report.

Corporate Implications

Financial and Value for Money

The financial cost of the berth 4/5 project has still to be determined and will be reported to members in due course through the usual budget monitoring processes.

There are no direct financial implications arising from the recommendations within this report, however there may be additional costs that arise following the development of management's response to the review and the identification of measures needed to implement the recommendations. As set out in the main body of the report, this will be considered and reported to members after the elections.

The adoption and implementation of the recommendations set out within the Berth 4/5 review will strengthen the Council's approach to project management, which in turn will aid the safeguarding of council assets and the delivery of cost-effective projects in the future.

Legal

The review of Berth 4/5 Project forms part of the IMO's recommendations. Under the Local Government Act 1999 it is the duty of every local authority to make arrangements to secure continuous improvement in the way in which it exercises its functions, having regard to a combination of factors, including economy, efficiency and effectiveness.

The current report and its recommendation has been shared with the council's external auditors, Grant Thornton, and with the IMO, who both confirm that, in their view, this review satisfies the recommendation made by the IMO.

Risk Management

The lessons to be learned and the implementation of the recommendations that have been from the review will mitigate the risk of comparable project issues arising in the future.

Corporate

The following Core Business Objectives are associated with this review:

- Delivering a Council that is financially strong to discharge its services and invest in the growth of the District.
- Continue to look for a viable future for the Port of Ramsgate and the Royal Harbour for the benefit of the town and the wider district

Equality Act 2010 & Public Sector Equality Duty

There are no equality and diversity issues or considerations arising from this report.

Corporate Priorities

This report relates to the following corporate priorities: -

- *Growth*
- *Environment*
- *Communities*

1. Introduction and Background

- 1.1. The Council's External Auditors, Grant Thornton, issued a report under Section 24 of the Local Audit and Accountability Act 2014 on 12 October 2021. That report made a number of recommendations, which were considered and approved by Council on 2 November 2021.
- 1.2. One of the recommendations was that the Council should appoint an Independent Monitoring Officer (IMO), with a remit to investigate the issues raised by the External Auditor, and to look more broadly at the governance of the Council.
- 1.3. The IMO produced his report, which was considered by Council on 19th May 2022. The recommendations made by the IMO were approved by Council.
- 1.4. One of the recommendations made by the IMO was to:

Undertake an independent review/audit of the Berth 4/5 project from its inception to the present day with a view to identifying the causes for of delay and cost overruns which have beset the project including the project governance. The results to assist in identifying lessons for the future management of large projects.

- 1.5. This recommendation was assigned to the Section 151 Officer to commission a review with the key objective being to provide the Council with some assurance and some learning and improvement actions.

2. The Berth 4/5 Capital Scheme

- 2.1. The Berth 4/5 project is a capital scheme to replace the berth used by the port customer Brett Aggregates to land aggregates brought to the port via sea. A long term contractual commitment with the customer exists such that the Council must maintain an operational berth or risk the consequences of breaching the contract agreement. The former berth was decommissioned in November 2020 as it was at the end of its operational life and could no longer be maintained. In September 2020 a contract was awarded to Bam Nuttall to install a new berth however the works were delayed whilst an Environmental Impact Assessment was undertaken to inform statutory consents including a marine licence and planning prior approval. Following the granting of the required consents the construction work took place between June and September 2022. The delay in implementing the work has had an impact on the cost of the scheme which is described in the independent review report. The installation work is now substantially complete with some ancillary (electrical) work to be completed in April 2023.

3. The Report and Recommendations

- 3.1. The purpose of this report is to present the independent review to Cabinet for discussion and noting. The review is appended at Annex 1 alongside annexes associated with the report. The terms of reference for the review were devised by the s151 officer and are also included at Annex 2.
- 3.2. The review has concluded 'no assurance' can be provided to management because the project has still to be completed and has incurred a significant overspend. Management accepts this assurance conclusion, but notes that many of the recommendations are applicable to the Council's general approach to project management and are not unique to the berth 4/5 project. Management also recognises that whilst there has been a significant overspend against the approved budget for the scheme it has been successfully delivered in very challenging circumstances and for less than the cost estimates that were provided for other solutions, which were estimated between £4m and £37m.

- 3.3. Whilst some of the final elements of the project are still to be complete, overall the project is nearing completion and can be considered substantially complete and therefore the review provides a beneficial post-implementation lessons learned review.
- 3.4. The Corporate Management Team accept the nine recommendations that have been made by EKAP and intend to implement the recommendations and embed them into our overall ways of working and specifically into the delivery of major projects. At the time of writing this report, the Corporate Management Team is still to fully develop a management response to the recommendations that have been made, however a full and comprehensive plan to respond to the recommendations will be developed and will subsequently be reported back to members early in the new administration after the elections.
- 3.5. It should also be noted that, whilst the review has identified there have been shortfallings in project management, none of the evidence examined revealed any misconduct or impropriety by any officers involved with the project.

4. Consultation

- 4.1. Management has shared this report with the council's external auditors, Grant Thornton, and with the IMO, who both confirm that, in their view, this review satisfies the recommendation made by the IMO.
- 4.2. The external auditors have received a number of objections from local residents in relation to this project, which they are considering as part of their audit of the council's statement of accounts and their assessment of the adequacy of the council's arrangements to secure value of money. The external auditors will examine and review this report as part of their evidence base for the consideration of the objections and also their wider audit work.

5. Next Steps

- 5.1. Cabinet are asked to discuss and note the review and associated recommendations and also to recommend the report to Council for noting.

Contact Officer: Chris Blundell (Acting Deputy Chief Executive)

Reporting to: Colin Carmichael (Interim Chief Executive)

Annex List

Annex 1: Independent Review

Annex 2: Terms of Reference

Background Papers

2017 Internal Audit of Project Management

Corporate Consultation

Finance: *N/A*

Legal: *Sameera Khan (Interim Head of Legal & Monitoring Officer)*

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**FOR
THANET DISTRICT COUNCIL**

**POST IMPLEMENTATION REVIEW
BERTH 4-5 PROJECT
DRAFT REPORT**

Period of Audit: 2019-2022	Executive Summary	Page 2
Date of Final Report: January 2023	Scope & Context	Page 3
Assurance Level: No	Findings	Page 4
Auditor: Christine Parker	Distribution List	Page 17
Report Number: U628	Action Plan	Page 18

1. **EXECUTIVE SUMMARY & CONCLUSION & ASSURANCE**

1.1 The scope of this report was derived from recommendation 7 made by the Independent Monitoring Officer (see 4.16.1) to *'Undertake an independent review of the Berth 4/5 project with a view to identifying the causes for delay and cost overruns which have beset the project including the project governance. The results to assist in identifying lessons for the future management of large projects'*. The report is a Post Implementation Review of a Project. It does not seek to 'investigate', apportion 'blame' or 'exonerate'. It is a backwood look to identify learning and opportunities for improvement in respect of future Project Management.

1.2 The findings from the Berth 4-5 review give rise to a No Assurance opinion because the project is yet to be completed and has incurred major overspend.

1.3 In conclusion, over the period 2015 to 2019 the Council realised it could not afford to build a fixed berth and considered suitable second hand pontoons, which proved to be very rare, with only three opportunities arising over four years. When the unique, and even rarer, offer of two suitable second hand pontoons became available, the Council had an approved capital project for replacing Berth 4-5, but not for the second pontoon. Efforts to seize this opportunity and also utilise the second pontoon elsewhere, almost derailed the original project, as the impression of the two projects being merged caused confusion. Additionally, the change in advice regarding the requirement for an Environmental Impact Assessment caused 20 month's delay. The final outcome being that the replacement of Berth 4-5 has yet to be completed and is over budget. There are nine learning areas identified that should be considered to deliver successful projects in future. These are: -

- Programming should start earlier, and resources should be sufficient to create capacity to think adequately ahead and deliver projects; particularly for the replacement of Council assets before their end of life, together with a realistic estimate of costs to replace assets.
- Use the powers contained in the Constitution to enable improved Decision Making - seizing opportunities is not unlawful and may be undertaken with good governance.
- Community Engagement should be more inclusive, and the investment may prevent the escalation of views on social media.
- Communication strategy throughout the project should report key milestones being achieved.
- Greater inclusion of the specialist input required on project teams throughout the life of the project.
- Identify sooner when external resources or expertise will be required, and acknowledge the delay or cost impact this could have on a project.
- Better understanding of how long projects realistically take to complete, and build in contingency as unforeseen events will occur.
- Better feasibility of project costs, to include the modelling of the "worst case scenario" from the risk assessment, to enable contingency or 'deal break' cost points to be built into the project milestones.
- Responsibility for Project Management should be allocated, the Council should agree a Project Management Framework, provide guidance on the intranet and support relevant staff with training.

Required changes to the corporate operating environment which sets the culture of the organisation have been addressed elsewhere.

1.4 Nine recommendations have been made within this report of which all have been classified as high priority, please see the action plan at page 18-19.

2. **SCOPE OF THE REVIEW**

2.1 **REVIEW OBJECTIVE**

The requirement to undertake the review arises from the need to satisfy the recommendation received from the Independent Monitoring Officer (IMO) (see 4.16.1), to;

Undertake an independent review of the Berth 4/5 project from its inception to the present day with a view to identifying the causes for delay and cost overruns which have beset the project including the project governance. The results to assist in identifying lessons for the future management of large projects.

The key objectives of this review are to:

- Provide the section 151 Officer and Thanet District Council with a level of assurance pertaining to the governance and the project management associated with this scheme, and
- Provide learning and/or improvement actions for the future management of large projects.

2.2 **SCOPE**

The individual aspects that should be considered are detailed as bullet headings in the findings section that follows.

3. **CONTEXT**

3.1 First Principle: The Council has a Constitution setting out the rules and authority for the Council, its established committees and how authority is delegated to committees of the Council or its officers. These rules and procedures include the Contract Standing Orders and Financial Procedure Rules for the Council, from which the Procurement Guide and Capital Bid process are also derived. The process for approving capital projects commences annually around November where bids are put forward for growth, any schemes likely to move forward are worked up into a Project Initiation Document (PID) and then having been approved by the Corporate Management Team (CMT), will be submitted to Cabinet and then on to Council for approval as part of the budget ahead of the 1st April.

3.2 Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs. The Government places strict controls on the financing capacity of a local authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources. Capital schemes that have not been approved through the agreed process will not be supported, as this is a democratic process, usually committing long term or high values of expenditure, good governance over the stewardship of public money is therefore essential. Simply having an approved Capital Scheme does not permit expenditure to proceed, further authority to commence, or indeed adjust capital schemes 'in year', is also required, and is quite usual.

- 3.3 Second Principle: The management of risk is not only about taking mitigating action to avoid, or reduce the likelihood of failure to meet Council objectives, it is also about taking calculated risks in seizing opportunities. When councils have a high risk appetite, risk taking forms part of the culture, where officers and members are encouraged to do so. However, strong governance becomes ever more important in such cases, where taking a calculated risk to seize an opportunity is an option. Nationally some very high profile council failures remind us that some projects collapsed with a staggeringly high cost to their districts, all reportedly due to failures in governance and inappropriate risk taking (for example the corporate director of resources at Thurrock council, arranged a series of failed business deals that has left the local authority with a funding gap of £470m).
- 3.4 A post implementation review or project evaluation, such as this, is most successful when the project is well defined with key measurable milestones. Its purpose is to evaluate whether project objectives were met, to determine how effectively the project was run, to learn lessons for the future, and to ensure that the Council gets the greatest possible benefit from the project in terms of delivering the milestones on time and within budget.
- 3.5 Numerous files were examined to objectively determine the effectiveness of the project management processes and controls employed for the replacement of Berth 4-5 project which included an examination of: -
- Engineer's reports, internal project documentation and committee reports;
 - Agendas, minutes, and outcomes from meetings held;
 - Project risk management documentation;
 - Budget management information;
 - Documentation retained for each project stage;
 - Interviews were held with current key officers and members; and
- 3.6 A project Timeline is provided as Appendix 1.

4. FINDINGS

- 4.1 Business Case Formation** - How the business case for the project was formed and whether it was sufficiently detailed given the size and complexity of the project.
- 4.1.1 There are two legal agreements in place: the Lease of Land and the Facilities Agreement under which the Council is required to provide a serviceable berth. Both agreements are due to expire in April 2029 but the lessee has options to extend up to April 2054; there are no break clauses for the Council, the lessee has the more favourable terms. The agreements were entered into during times of commercial activity at the Port, where all the associated dredging was already undertaken, and this enterprise was additional activity. The closure of the commercial ferry operation was not foreseen then.
- 4.1.2 The former berth was installed in 1998 and extended later in 2006. The Terms & Conditions of the long term lease places responsibility upon the Council to provide a working berth. A condition survey carried out on the existing platform in November 2019 confirmed that the berth had come to the end of its useful life.
- 4.1.3 A Capital Project Bid to replace Berth 4-5 was first submitted in 2015-16. The Council's usual process for identifying growth and capital projects was followed (see extract from Council rules Appendix 4). The proposal was detailed in the "Capital Project Bid - Port of Ramsgate Berth 4-5 Replacement" which was drafted in May 2015 and updated in September 2015, to include that consultants had been engaged to consider three options (see 4.2.1). The sum of £1m was approved for this Capital project.

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The 2015 project bid identified the following key milestones and noted “*The existing berth is close to the end of its useful life and the risk of failures leading to operational downtime is relatively high. This has the potential to impact on the business of Port customers.*

The timescales indicated are realistic but allow little time for unforeseen issues and project slip. The condition of the existing berth is such that this project (once approved) should be undertaken as a priority.

The scheme will require a marine licence and environmental study work, the risk of failure of the project on the basis of a licence being withheld is thought to be unlikely but the completion of option analysis and detailed design work will allow this risk to be better evaluated”.

Milestone	Date Due for Completion
Maritime design consultant commissioned	September 2015
Site investigation, option assessment, preliminary consultation	November 2015
Environmental assessment	December 2015
Planning consent	January 2016
Detailed design	January 2016
MMO license granted	April 2016
Assembly of tender documentation	April 2016
Contractor procurement completed	June 2016
Construction works completed	October 2016

4.1.4 The dates shown in the timeline above acknowledge 12 months for completion for the whole project. This underestimated the complexity of the project. Indeed, the Project Timeline produced in 2019 also allowed 12 months from start to finish, see Appendix 3. The project started in July 2019 and is yet to be completed, **see Recommendation 1**.

4.1.5 There is little information contained in the bid substantiating how the costs were estimated the financial table simply shows estimates as follows;

New construction works	£800,000
Adaptation works	£100,000
Fees – Capital salaries	£15,000
Fees – External (Consultants etc.)	£45,000

4.1.6 The first activity of the Project was to appoint maritime consultants to advise on the design options, and cost them, see 4.2.1. The value of £1m secured in the September 2015 bid was insufficient to deliver a replacement Berth 4-5 and no contingency had been built in regarding cost overruns, **see Recommendation 2**.

4.1.7 A new or updated Business Case was not submitted. Additional Capital was allocated to the project and in April 2019 the sum available was £1,501,174.33. The Capital Project Bid to replace Berth 4-5 was not sufficiently detailed, all design options to this point had identified costs of between £4m and £37m (see 4.2.2 /4.2.3). The lesson learned is for projects to have realistic financial and timeline detail with robust contingency built in.

4.2 Option Appraisal - including the consideration of alternative options to the chosen solution.

4.2.1 The original berth experienced issues with the wave climate and being two pontoons hinged together had proved to be a poor design in that environment. Options to replace

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them were considered and Atkins Ltd were commissioned, following a tendering exercise in 2016, to undertake an appraisal on three agreed options and produce outline designs including finance estimates in accordance with a detailed brief. The options to be considered by Atkins Ltd were as follows:

- Option A - Quay to accommodate self discharging aggregate vessels up to 110m in length with a maximum draft of 6.5m with the sole purpose of aggregate handling.
- Option B - Berth to accommodate vessels up to 110m in length with a maximum draft of 6.5m with the ability to handle aggregate and alongside loading/unloading of project cargo via a 500 tonne mobile crane.
- Option C - Berth to accommodate vessels up to 180m in length with a maximum draft of 6.5m with the ability to handle aggregate and alongside loading/unloading of project cargo via a 1000 tonne mobile crane.

- 4.2.2 The September 2015 Capital Project Bid was approved for £1m based on Option B. However, when Atkins Ltd submitted their report to the Council in April 2016 it contained the three options with three possible variations, they ranged from an anticipated cost of £5.4m through to £37.895m. These designs were not to be progressed on the basis of cost.
- 4.2.3 A year passed. In order to consider further options, in April 2017 further designs were submitted for consideration by two different consultants. Consultant One provided two options ranging from £6-8M, Consultant two identified three options ranging from £4 - 6.5m. Both sets of proposals exceeded the £1.5m allocated to the project, and were not progressed. In 2017 the Council was therefore aware that the lowest design estimate to replace the berth was £4m.
- 4.2.4 Options for the Council to potentially terminate the agreements were considered not cost effective at the beginning of the process. The lessee was asked whether they would continue to require the berth in the future (if they had alternative options) and the requirement for the Council to provide the Berth was confirmed. The option to terminate the agreement could have been reconsidered at this point though in the knowledge that to build a new berth was likely to be between £4m and £37m, and the Lessee has a break clause in the agreement in 2029.
- 4.2.5 A year later, a good quality second hand floating option was also being considered, barge "Pontoon E 3801" was inspected by consultants on 27 April 2018 whilst lying alongside at Ravestein ShipYard, Deest, Netherlands, their inspection report revealed that it had come to the end of its useful life, so was not further pursued. A second 'Barge 1254', identified in January 2018 also proved not to be suitable.
- 4.2.6 Another year on, in March 2019 the Council was contacted by BAM regarding the decommissioning of two pontoons which would be available from September 2019.
- 4.2.7 Robert West Consulting Ltd were appointed in May 2019 to further consider options. A lesson to be learned is that with each year that passed the costs to deliver the project were only likely to increase, and the existing berth more likely to fail. The consultant's brief was amended part way through their work to include the floating berth option, and they inspected the BAM pontoons. Their proposal was dated July 2019.
- 4.2.8 The results of the identification of possible options was presented in July 2019 to a cross party working group made up of Members, called the Port Working Party. The resulting recommendations were first presented to Cabinet 14 November 2019, and then agreed

by Cabinet on 16 December 19. This decision enabled the replacement of Berth 4-5 to start.

4.2.9 The files show the floating berth (pontoon) option was first formally considered by the Council in July 2019. No decision had been made prior to 25 July 2019 when the Port Working Party made the recommendation to consider the floating option.

4.2.10 Further option appraisal was considered in the Cabinet report of 16 December 2019 where members took the decision to move forward with Option 4. The four Options from the Cabinet report are shown here- (see also 4.7.6).

***OPTION 1** After taking into account this report, the specialist Legal Advice, the risks and the mitigation measures, approve the classification of this contract as a works contract, accepting that there are sufficient arguments to support the assessment. Approve the expenditure of the budget allocations in the capital programme for the following 2 projects which would be delivered via a single directly procured contract between TDC and BAM Nuttall Ltd: • Port of Ramsgate Berth 4/5 Replacement - £887k • Ramsgate Harbour Commercial Berth - £590k*

***OPTION 2** Do not approve Option 1 and instead pursue the alternative (a fixed quay design). Note: This would delay implementation of this project and would require additional budget allocation of up to £1.1m for the replacement of berth 4/5. This would also mean that the Commercial Berth project in the harbour could not be delivered as described which would require other options to be pursued to address the shortage of berthing capacity. In summary this would delay implementation of both projects and would have a higher project cost.*

***OPTION 3** Approve the expenditure of the budget allocations in the capital programme for the Berth 4/5 and Ramsgate Harbour Commercial Pontoon projects and deliver these projects via an open tender. Note: It is likely that this option will have a higher project cost than the direct award route. There is also a significant chance that BAM Nuttall would not submit a bid. If this was not through competitive dialogue but restricted process then a significant increase in project cost is likely to materialise. This is irrespective of whether any other party could provide a bid compliant with the specification which is also a significant risk.*

***OPTION 4** Approve the expenditure of the budget allocation for Berth 4/5 only and seek tenders via an open route. Note this option would leave the current issue of wind farm berthing space unresolved and would not generate the income associated with the provision of additional wind farm berthing. Again with this option it is possible that BAM Nuttall will not engage as they have made it clear that they wish to sell both pontoons together. Note: It is likely that this option will have a higher project cost than the direct award approach as it may be that the only alternative is via a contractor offering a brand new pontoon. This would therefore also be in excess of the total budget available of £887k and the original budget value of 1.477m. If this option is selected it is therefore likely to be necessary to identify further project funding. This can only be informed following receipt and evaluation of tenders received.*

***No 'do nothing' option** has been proposed in this report as this would leave the Council in a contract breach situation with the lessee due to the likely need to decommission the existing aggregate berth in the near future. Under this option the Council's ability not to provide suitable berthing provision for Brett's vessels in accordance with the Facilities Agreement would have catastrophic financial consequences.*

4.2.11 With the benefit of hindsight, not all options were fully explored. The Council could have been authorised to negotiate further options (see Appendix 1 at entry against 12 August 2019). For example, as the offer was within the allocated budget, to buy both pontoons, complete the replacement of Berth 4-5 and store the other. The Council could then have taken time to assess whether to sell on or scrap the second pontoon, or in accordance

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with the requirements of the Constitution, consider a further capital scheme to utilise the second pontoon elsewhere. **See Recommendation 3.**

- 4.2.12 The lesson learned is to have undertaken this detailed assessment of costs earlier, better programming should have ensured that this exercise was undertaken before the anticipated end of life of the existing structure, so that realistic costs for the replacement could be identified.
- 4.3 Corporate Project Evaluation Process** - how the project was evaluated, from a financial & non-financial perspective, and what key criteria were met.
- 4.3.1 The Capital Project Bid submitted in September 2015 followed the prescribed process, was approved and the project became part of the Capital Programme with a provision of £1m. External consultants were appointed to assist with identifying possible options in April 2016. The fixed berth option was priced beyond affordability and the floating berth option (later chosen) was identified as providing operational advantages, as using the berth does not rely on the tide.
- 4.3.2 The evaluation process follows a standard form which requires the business case for the project and financial information to enable the bid to be considered and authorised.
- 4.3.3 The submission does indicate that the existing berth was serviceable (then in 2015) “ *but is subject to frequent reliability problems and could suffer major damage making it uneconomical to repair in a significant storm event. This would mean that TDC would be unable to honour the lease agreement with Brett Aggregates. This could risk action against TDC for being in breach of lease conditions or at the very least, loss of revenue and reputational damage*”. It summarises “*If TDC breaches any obligations under the Facilities Agreement then Brett will be entitled to terminate it and the Lease agreement. Any failure of the Berth therefore would result in either considerable expense by TDC in relocating Brett to a suitable alternative or loss of income if Brett terminates. The total minimum income we currently receive from Brett under the existing agreements is £96k per annum. Furthermore if this project is not taken forward, Brett will not pursue the new agreement for additional land and will not increase their aggregate throughput at Ramsgate. Together these proposals have potential to increase annual income to approx. £300k PA*”.
- 4.3.4 Reviewing the 2015 Capital Project Bid now with the benefit of hindsight, and with the knowledge that the reasons for undertaking the project at all have been heavily challenged, the business case should have had greater (broader) input and understanding at the outset. The Council's legal liabilities under the two agreements were known facts, however, the 2015 supporting bid indicates that the site is being somewhat improved to enable potential expanded commercial activity - which itself is dependent on a few variables. This information is at the centre of why opposition views are so strong. See 4.14 Communication Strategy.
- 4.3.5 This case is complex because capital bids are usually for Council schemes regarding their direct use of their assets and resources. The bid to improve an asset for a tenant which in turn could generate more income over the life of the agreement needed to be better understood by members and residents alike, with the opportunity to scrutinise the decisions being made.
- 4.3.6 The lack of clarity in the community has led to mistrust regarding the Council's reasons for undertaking the project. Some suggest that the criteria for undertaking the project changed over time, and have challenged the openness and transparency of the matter. **See Recommendation 3.**
- 4.3.7 The timeline (Appendix 1) records the approach received from BAM on 01 August 2019 to

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supply and install both pontoons for a lump sum cost of £1,250,000. On 12 August BAM made a reduced offer of £1,050,000 for both - other project costs were estimated to take the total to £1.415m leaving a contingency of £85k in the total allocated budget of £1.5m. Even if the Council had scrapped or sold the second pontoon, this was the first time in over four years of scoping the work, where Berth 4-5 could potentially be replaced within the budget available. Not only was the offer timely, it was unique, in that these second hand pontoons were confirmed by the consultants as being sound and fit for purpose. Had there been a different vision, it is possible the project could have progressed in a different direction at this point. The replacement Berth 4-5 may have been delivered on budget - especially if the second pontoon had generated income in being either sold on or scrapped. The issue at the heart of this was the second pontoon. There had not been any formal consideration of any project for the second pontoon by the Council at this stage. The client had identified an opportunity for making use of the second pontoon, and was working on the draft Capital Project Bid in August 2019. There is no trail of community engagement or member briefing regarding possibilities for the second pontoon at this time. **See Recommendation 4.** and 4.7.8.

- 4.3.8 The advice provided by Finance to the client was to submit a Project Capital Bid for the new scheme and if approved, then to bring the project forward in the Capital Programme. The Project Initiation Document (PID) for the Royal Harbour was submitted dated 11 October 2019 with a project timeline from April - November 2020. The bid described as *“Provision of new commercial berth facility in Ramsgate Harbour”* was for £650,000 *“To provide a new berth in Ramsgate Harbour to facilitate additional commercial business such as:*
- *berthing for wind farm support vessels (temporary or permanent)*
 - *works vessels including tugs and multcats*
 - *works barges*
- The proposed berth will offer modern and improved facilities which remove the H&S risk associated with ladder-only access to tidal berths”.*
- 4.3.9 There are several elements required for a Capital project to proceed. There must be an approved budget allocation in the Capital Programme, there must be the political will to deliver the project and there must be authority to do so. Just having agreed funding in the capital programme does not permit it to progress. The next step was to allocate the money. A Decision Notice was signed by Cllr Bayford 20 September 2019 as portfolio holder to approve the addition to the 2019-20 capital programme of a capital project to deliver the *“Commercial Berth in the Eastern Gully of the Royal Harbour”*, to be funded from the realignment of the existing 2019-20 budget for Berth 4-5. This published decision would (if implemented) have split the budget as follows: Berth 4-5 - £887k, Commercial Berth - Eastern Gully, Ramsgate Harbour project - £590k. The chair of the Overview and & Scrutiny Committee (O&S) gave notice by email 23 September 2019 that the record of decision made on 20 September 2019 would be called into O&S. This process resulted in a ten day standstill being applied. Following a change in Council administration 10 October 2019 the individual Cabinet member decision of 20 September 2019 was not implemented; instead a Cabinet report was requested with options to take the project forward.
- 4.3.10 The PID for the Royal Harbour was approved by CMT and was added to Forward Plan 8 November 2019 for Cabinet 14 November 2019.
- 4.3.11 The evaluation of the four options resulting in a decision to move forward was taken by Cabinet on 16 December 2019. The option chosen was to *‘Approve the expenditure of the budget allocation for Berth 4/5 only and seek tenders via an open route’*. This would therefore proceed with only the replacement of Berth 4-5, not the new commercial berth facility in Ramsgate Harbour. There is no current approved capital bid for this work,

however, new plans for Ramsgate Harbour form part of new investment to the area as part of the Levelling Up funding.

4.4 Procurement Process Followed - The appropriateness of the process that was followed. The consideration of the advice that was received from procurement professionals.

4.4.1 The timeline at Appendix 1 records the stages for the procurement process. The formal tender route commenced in January 2020 and completed in March 2020, where two tenders were received. However, before that process started in earnest there were differing views on the correct procurement route.

4.4.2 The risk being that if the activity under the contract was deemed to be “works” or “services” there are specific parts of the law that need to be followed. This issue is a different matter entirely to the risk of being challenged by another potential supplier who is not given the opportunity to bid, for example if a waiver is granted and a direct award made to any supplier. This risk needed careful consideration, as in fact the question whether this proposal was a works or services contract is not straightforward. Consequently an external legal view on the matter was obtained. Comments from the Cabinet Report 14 November 2019 read “The Council has taken specialist external Legal Advice from Blake Morgan Solicitors about both the procurement route and the risks of challenge involved in making a direct award. This advice has been reviewed and agreed by the Head of Legal and Democratic Services. In summary, the situation is:

- 1 *It is not possible to say definitively that this is a works or supplies contract. This is important as a works contract would come underneath the EU Procurement threshold but a supplies contract would not. This question would only be answered by a court, if a challenge were raised.*
- 2 *However, there are sufficient arguments to support an assessment that this is a works contract and those arguments are set out clearly in the legal advice.*
- 3 *In respect of making a direct award, there are several variables to consider when determining the risk to the Council, including whether there is a competitive market for the Council's requirements and the attitude of any such market. For example, if there are no competitors in the market who could meet the Council's specification or if the market has a laissez faire attitude then the risk of entering into a public works contract without undertaking a procurement process would be reduced.*
- 4 *The Advice clearly sets out the risks and mitigation to consider in assessing this as a works contract and in making a direct award.*
- 5 *The Advice makes clear that this is ultimately a question of judgement for the Council, after considering the risks and mitigation measures.”*

4.4.3 Thus, in order to avoid the risk of possibly breaching the law, and (secondly) the risk of challenge, the open tender route was followed (see 4.2.10).

4.4.4 The offer from BAM to the Council was unique meaning that a procurement route risk assessment could have been undertaken. There were concerns over ‘predetermination’ once the first offer had been received from BAM, however, with good governance the Council is permitted to negotiate with suppliers in certain circumstances. Further advice regarding the direct award route could have been obtained sooner, so that it could have been further considered as taking a ‘calculated risk of being challenged for predetermination’. This had the potential to save the Council money and time in the long run. In the absence of an agreed Capital Project for the second pontoon, the Council

could have sold it on or scrapped it - either would have generated income.

4.5 Initial Supplier Engagement - At what point were BAM engaged with as a potential supplier and whether any commitments (contractual or otherwise) were entered into prior to the necessary approvals being obtained.

4.5.1 In the knowledge that the Council were in the market for a good quality second hand pontoon, BAM contacted the Council in March 2019 drawing attention to two that would be available from September 2019. The Council commissioned consultants to consider the floating option as part of their brief, their report was received by the Council in July 2019.

4.5.2 The Council wrote to BAM on 2 August 2019 making no commitment (see Appendix 2). The pontoons arrived in Ramsgate ahead of any decision made by the Council to purchase one. BAM had to move the pontoons from their location by September, and safe harbour was sought in Ramsgate ahead of determining where BAM would move them on to. The Council generated income from the berthing of the pontoon(s) for the period September 2019 to June 2020.

4.5.3 The open tender route chosen by Cabinet in its meeting 16 December 2019 resulted in two tenders being received, one being the winning bid from BAM. After the tender opening, the full and detailed evaluation and clarification process followed, this ultimately resulted in a contract award to BAM sealed on 30 September 2020.

4.6 Commissioning and Consideration of Legal Advice - how the legal advice that was obtained was considered and applied.

4.6.1 Two key sets of external advice applied to the project. A legal view sought on the procurement route to be taken; and a legal view on the detailed specifics of the first view determined by the MMO regarding the planning requirements.

Procurement Advice

4.6.2 The Council had a commitment to replace Berth 4-5. It was keenly aware, having commissioned three different consultants to design and scope the project, that it was not affordable, and it was also looking at second hand floating options. Whilst two were examined by marine consultants on behalf of the Council in 2018 the Council had not considered which procurement route would have been advised had either been suitable. The question was not raised then. As set out in 4.4.2 when the advice was sought in late 2019, there was little clarity on the risk being taken. However, this could have been thought through in 2018. A different approach would have been to request the advice ahead of time - this may have generated a culture where some level of risk taking for a direct award was acceptable (as the item being purchased is so rare). It is possible to challenge that had a direct award in fact been made in 2019 the Council may have achieved the project to budget.

4.6.3 The open tender route, later taken, was completely without risk and in accordance with the legal advice received. The impact of this though, took the offer made by BAM to supply and install both pontoons for £1,050,000, to the tender value to supply and install one for £1,299,986.95. An increase in costs of £249,986.95, and a reduction of the works to be completed (i.e. install one pontoon only).

Planning Advice

4.6.4 See also 4.11. The Project Manager knew that an Environmental Impact Assessment

(EIA) was a likely requirement at the outset. Planning Advice and the route to be taken was therefore sought. The internal advice was to submit an application and let the Marine Management Organisation (MMO) determine what would be required, as they are indeed the experts of the marine environment.

- 4.6.5 The legal view regarding the licences required to undertake the work changed as the project developed. The Project Manager could not have tried to obtain this earlier (i.e. in 2015) as the design solution for the replacement of Berth 4-5 was not known then. The opinion on the correct planning route could only be requested once the project was live and the option for the berth had been chosen. The Project Manager had been provided with the outcome of the Screening for the Planning Application result on 17 August 2020 with the MMO then confirming that an (EIA) was not required.
- 4.6.6 The professional planners were concerned by the reasoning provided with the MMO outcome, and sought an external legal view on 5 October 2020. The Local Planning Authority knew the community held strong views regarding the development and predicted that there was likely to be a challenge creating the risk of further delay to the project (Judicial Review). The external advice received 13 October 2020 challenged the outcome of the screening by the MMO and this process ultimately identified that an EIA would now be required before Prior Approval application could be determined. The first planning application PA/TH/20/1092 was withdrawn. This impacted the project and caused a delay from October 2020 to May 2022 when the Planning Permission to proceed on application PA/TH/22/0132 was approved 19.05.22 (see Timeline for full details of the delay).
- 4.7 Decision Making, Governance and Approval Process** - the adequacy of the governance arrangements, including whether the dispute between the members of CMT affected the process. Whether sufficient weight was given to the advice of all of the statutory officers.
- 4.7.1 O&S Cttee 18 July 2019 received a presentation on “The development work going on and the future of the Ramsgate Port”. Members re-established the Port Working Party which met 25 July 2019 to consider the two options of fixed quay or floating pontoon for replacing Berth 4-5. The outcome of the meeting was that *“the pontoon option should be taken forward and developed with costs sought as this appeared to represent best value”*. This was the first time the floating berth option had been considered by members, it shows that no decisions had been made by the Council yet, that options were being considered.
- 4.7.2 Following the decision of the Port Working Party, the consultants appointed in July 2019 were asked to look at the floating berth option. The Council wrote to BAM 02 August 2019 to confirm that there was no commitment at that time. The letter was written with input from colleagues in Legal, please see Appendix 2.
- 4.7.3 In accordance with the Constitution a process utilising a statutory notice to enable a decision for the *“Purchase of the pontoon for Ramsgate Port”* was placed before the leader on 16 August 2019, this required consultation with the Chairman which would have been effective on 23 August 2019. This process of decision making was not completed, at the time the Council was aware of a likely change in administration. Using the powers of the Constitution in this way, as long as there is an allocated budget, authority to spend and political agreement, is lawful and would enable a Council to seize an opportunity.
- 4.7.4 The next formal decision was a Decision Notice signed by the then Leader, Cllr Bayford on 20 September 2019. This was called in by O&S who held an extraordinary meeting on 1 October 2019 and a ten day standstill was requested during which arrangements were

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made for the O&S Panel to view the legal documents relating to the procurement process of the two pontoons. <https://democracy.thanet.gov.uk/mgAi.aspx?ID=35446>

- 4.7.5 There was a change in leadership on 10 October 2019 a Cabinet report was requested with options to take the project forward.
- 4.7.6 The Cabinet report for 16 December 2019 contains lengthy Statutory Officer comments. https://democracy.thanet.gov.uk/documents/s66823/20191126%20Berth%204_5%20and%20Commercial%20Berth%20-%20Report%20to%20Cabinet.pdf Good governance was missing regarding the transparency and openness of issues for the project. At this time, all of the statutory officers were not working collectively. It is possible that an entirely different outcome may have been achieved. It is possible that (subject to the necessary consents being obtained), the Council could have seized a good opportunity - taking calculated risks following a robust process.
- 4.7.7 In the absence of an approved scheme for the Royal Harbour, Cabinet made an authorised decision from the options before them in choosing Option 4 to deliver the replacement Berth 4-5 only.
- 4.7.8 With hindsight, there could have been more options available for consideration.
- 4.8 Project Chronology** - the review should consider the sequencing of events and whether this has contributed to any of the perceived project failures.
- 4.8.1 Appendix 1 shows a detailed timeline for the project. Each stream such as “Consents and Licencing”, “Procurement” and “Contract Award” are shown chronologically.
- 4.8.2 The initial learning from the sequence is that the Council should have commenced the process to produce a detailed PID sooner in order to secure sufficient Capital to undertake the project. In the period 2016 to 2019 the Council obtained different design options from three different consultants (which were all not affordable see 4.2) extending the replacement of the berth another 3 years. The Timeline attached therefore commences in 2019. There are three issues with the sequence that led to extra delay and costs regarding Procurement (see 4.6.2), Permissions and Contract Award.
- 4.8.3 The Council could have sought specialist advice regarding procurement and planning sooner. This has to be balanced with acknowledging that it is a complex project and advice could only be sought once an actual proposal was sufficiently scoped, however, obtaining specialist advice at different intervals caused further delays which impacted the timeline.
- 4.8.4 The Council undertook the open tender exercise in January 2020 which concluded in March 2020 where two competitive tenders were received. These were evaluated and a winning bid was declared. The prices quoted in the winning tender were secure for a limited time, the timeline shows this being extended to June 2020.
- 4.8.5 The Council entered into the contract with the Contractor before all the necessary Licences and Permissions were received because there was a serious risk of the tender expiring and the Council losing the option to purchase the pontoon. The signed contract was sealed 30 September 2020. The Planning Application (later withdrawn) required specialist advice (obtained 13 October 2020) which led to the MMO changing their initial decision. The impact of having entered into the contract and then delaying the start is financially quantifiable, it has led to an uplift of costs payment of £311,990.99.

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4.8.6 Works for the contract (sealed 30 September 2020) were not able to commence on site until late 2022. In addition to uplift charges on the originally tendered prices, further 'compensation events' apply which are not resolved at the time of writing this report.

4.8.7 The requirement for the EIA to be completed (17 months) detrimentally impacted the project in terms of both the additional cost and the time that it took to complete (see 4.11).

4.9 General Project Management - whether appropriate project management tools, techniques and controls were deployed.

4.9.1 Searches on the intranet for officer guidance on "Project Management Framework", "Project Risk Management" or just "Projects" or "Risk Management" all returned no hits. The Council does not currently have Project Management allocated to a responsibility or a framework in place (see Recommendation 5).

4.9.2 The Internal Controls expected for the project are partially evidenced by means of project milestones, project meeting agendas and minutes. Despite which the project encountered delay and overspend. (see later 4.12.3)

4.9.3 The project was assembled with the following key roles:
Project Sponsor - Corporate Director Communities
Project Manager - Levelling Up Project Director, supported by the appointment of Robert West Consulting Ltd.
Project Team - Port & Harbour Engineer.

The Project Team should have included all internal expertise required to deliver the project at the outset. Specialist staff covering every aspect (such as finance, legal, planning, democratic services, procurement, HR, ICT etc) should have provided continuity throughout the life of the project, with the team assembled being up to date on each stage of the project, agreeing actions to achieve milestones and reduce risk, and seeking approval from the Project Sponsor / Board to move forward to the next stage of the project.

4.9.4 The capacity of staff and the resources required to deliver projects should not be underestimated. Projects often create a huge workload on top of the day job which means there are many pressures, and the ability to focus on the project is limited.

4.10 Risk Management -whether appropriate RM tools have been applied.

4.10.1 As noted above, the Council does not have a Project Management Framework in place, nor does it have guidance on managing project risks. The project does have an undated Risk Log, which lists 21 perceived risks and shows only the original risk score, the mitigating action to be taken, and the residual risk score - even against risks that materialised.

4.10.2 Project risk management guidance needs to be agreed and implemented to help project managers identify and evaluate project risks to keep costs under control and minimise or help foresee and plan for likely time delays during each stage of a project. This process should consider 'deal break' risks, evaluate the worst case scenario to assess if there should be project termination milestones built in at the outset.

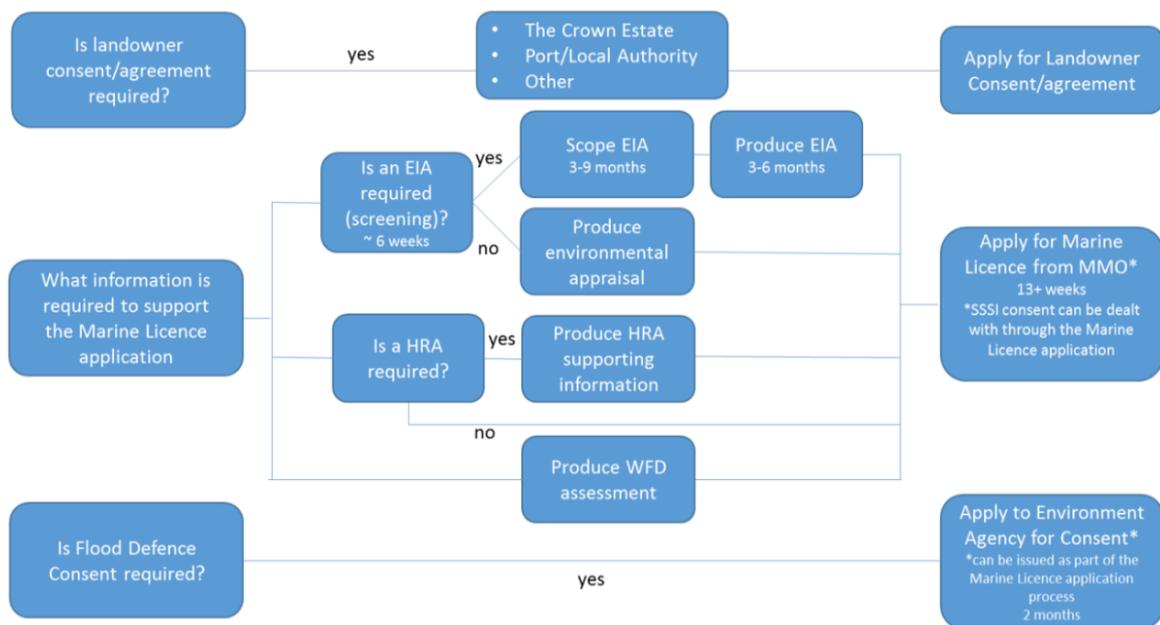
4.10.3 When risks materialise they should be escalated to the Project Sponsor for authority and agreement on how to proceed. Resulting actions should then be added to the Risk Log and scored, and reevaluated to ensure the mitigating action does indeed reduce the risk of delay and overspend. All actions should be allocated to an individual with a due date,

and should be regularly updated to be an effective Risk Management Tool. See Recommendation 5.

4.11 Granting of Necessary Permissions - much of the delay and overruns have been cited as being due to the requirement to obtain further permissions. The review should consider whether it would be reasonable for the officers to have anticipated these requirements from the project outset.

4.11.1 The Capital Project Bid from May 2015 (updated September 2015) identified in section 4.3 Environmental Impact “An environmental impact assessment (EIA) will be undertaken for the project. This will be necessary to inform an application for a Marine Management Organisation licence.

Works will be undertaken within the commercial port which adjoins SSSI, RAMSAR and MCZ designated areas. An Appropriate Assessment (Habitats Assessment) may need to be undertaken to assess potential impact on the designated sites resulting from the proposed project”. The consultants engaged in 2016 also advised further on this quoting that “The Marine Licensable aspects that are outside of the Harbour Authority powers will require a Marine Licence from the Marine Management Organisation (MMO). The environmental and consenting process for marine licensing and other relevant marine based permissions are set out in Figure 4-1(below) which outlines marine based permissions. Planning permission has been omitted from the diagram”.



4.11.2 When added together, the stages to achieve an EIA to support the MMO application is estimated by the consultant’s flowchart above, to be a minimum of 43 weeks (circa 10 months) or a maximum of 91 weeks (circa 22 months).

4.11.3 The Project Manager sought advice from Planning regarding a view in advance of submitting any application for the necessary route and considerations. Advice was given 14 August 2019 confirming

- that a legal opinion is sought to provide a definite view that TDC is the relevant Local Planning Authority.
- due to the complexity arising from the interaction between the General Permitted Development Order (GPDO) and the EIA regulations an application should be submitted to find out if full planning permission was needed, this would take 8 weeks to consider, and

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- the (second) “pontoon potentially to be attached in the Harbour would need Listed building consent”.

4.11.4 Appendix 3 showing the Project Timeline (dated June 2019) allows 23 weeks to complete necessary permissions. This did not acknowledge a realistic time allowance for completing the consents.

4.11.5 As detailed in 4.6.2, earlier consultation (2017 or 2018) with Procurement on what route could be taken if a good enough quality second hand pontoon became available should have been obtained. Whether it would likely be deemed “works or services” under the law and (given how rare they are) to consider the risks and implications of making a direct award ahead of time.

4.12 Budget Control and Monitoring - the accuracy of forecasts and robustness of controls.

4.12.1 The available budget at April 2019 was £1,501,174.33, Capital spend to the end of December 22 was £1,730,092.15.

Budget	£
Opening budget	1,501,174.33
Budget allocation - capital salaries	46,335.72
Budget increase as per 29 July 2021 Cabinet	380,000.00
Total	1,927,510.05
Committed Capital Expenditure	£
BAM	1,256,624.33
Consultancy	315,439.90
Dredging	55,000.00
Licences & Legal	42,567.98
Other	14,124.22
Capital Salaries	46,335.72
Total	1,730,092.15
Uncommitted budget as at 31 Dec 2022	197,417.90

Committed Revenue Expenditure	
Berth Replacement Additional Costs	261,000.00
Licences /Legal	4,000.00
Berth Outage Costs	180,000.00
	445,000.00

The total cost of the scheme up to January 2023 is provided for as £2.322m. An

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overspend on the original provision of £825,000. At the time of this report the project is not yet completed and it is possible that further spending may be incurred. The allocation of the (known) overspend and reasons for the additional cost is detailed in Appendix 5 as at 16 June 2022. A point worth making, is that whilst this project has indeed overspent against the original provision set out in the Capital Programme, when it is finally completed, it will have been delivered for less than the lowest estimate (£4.5m) made by any of the consultant's projections listed in paragraph 4.2.2.

4.12.2 One improvement that should be considered is the need for a finance and/or risk management professional to be included within the project team. This will help project managers identify and assess risk and help ensure financial risks and other considerations are fully understood and fully considered to deliver a project of this nature and complexity.

4.12.3 The cost overruns were incurred because;

- Decommissioning and removing the existing berth before all permissions were received and the construction phase of the replacement berth agreed, leading to a compensation event with the tenant (noting there was little choice given the failure of the structure in November 2020).
- Awarding the contract to BAM on (signed contract copy) 30 September 2020 without being able to proceed on site, leading to the contract being paused with penalties being applied and uplift clauses.
- Changes in advice regarding the necessary licences leading to engaging additional legal advice, consultants, and both the cost of carrying out a full EIA and the extended delay that this caused (impacting the uplift costs for the construction contract and extending the use of consultants further).
- To enable the contractor to comply with the MMO licence date, work was descoped with BAM. Retendering the descoped work has resulted in increased prices to complete the project (original tender March 2020 - revised quotes January 2023).

4.13 Member Engagement - The involvement of members in the decision making process and the allowance for appropriate opportunities for scrutiny.

4.13.1 All key decisions were made by members, the project was discussed at O&S on several occasions who utilised their call in powers and held an extraordinary meeting.

4.14 Communications Approach / Strategy - consideration of how residents and other stakeholders were informed or engaged with throughout the project.

4.14.1 It is necessary to highlight that, the way the Constitution allocates authority and the way the Council is set up to operate, means not all members are able to know everything about everything, and some matters are taken by Cabinet in private. Much of the detail for this project generated keen interest, frustrations and rumour grew which in turn generated numerous requests for detail and further information.

4.14.2 A briefing and coffee event arranged by officers for members on 16 July 2019 was poorly attended. Several press releases were issued providing an update on activity with the project. The correct balance regarding providing opportunities for openness and transparency and the need to engage with the community and elected members may often be difficult to achieve, but few attempts were made with this project, despite there being high levels of activity in the community and on social media.

4.14.3 The need for the works to be undertaken was known and planned for by the Council. Whilst officers do need the space to be able to get on with delivering objectives, the community engagement surrounding this project was largely missing. Even with there

being known strong views in the community about the agreements in place and the responsibilities of the Council, which residents have indicated they have been ignored. Residents and some members would wish to challenge that the Council did indeed need to replace Berth 4-5 either at all (that the Lessee could utilise alternative methods for moving aggregate) or that the existing Berth 4-5 was repairable. Attempts to seek information regarding this from the Council utilised the Freedom Of Information requests (FOI) process. The lack of transparency is a symptom of poor governance (see Recommendation 6).

4.15 Application of Commercial Sensitivity Restrictions - provision of a view on whether the application of these restrictions was appropriate and in what circumstances they may or may not be for future large projects.

4.15.1 There is a balance to be struck between openness and transparency with the democratic process and allowing officers to deliver approved projects, to act within their authority, sometimes protecting the need for confidentiality for commercially sensitive reasons. See also 4.14.1.

4.15.2 The use of the FOI process has not been covered by this review. All key decisions have been taken by Members in public session.

4.16 Corporate Operating Environment - all of the above should be considered in the context of the environment that TDC's CMT was operating in.

4.16.1 The [Independent Monitoring Officer's Report](#) makes conclusions regarding the Corporate Operating Environment, these need not be duplicated here. The IMO report identifies that whilst "*The analysis in the report has focussed primarily on the governance regarding some processes within TDC and has not reviewed the wider operational performance of the Council in delivering its services and activities. However, during the interviews one area of the operation was mentioned with such regularity that it warrants a mention in the lessons learned report. The resounding consensus was of concern regarding the quality of project management and the significant unforeseen expenditure*".

4.16.2 The timeline for the Berth 4-5 project runs alongside the timeline for the staffing matters in 2019, which led to the governance concerns at the Council, resulting in the Statutory Recommendations report.

4.16.3 All of the Corporate Management team have since left the Council and were not interviewed as a part of this review.

4.17 Current position

The berth is not yet in service because there is some work that still needs to be completed. This includes:

- remedial work to the gangway where it meets the pontoon - this is about improving the design of the current connection and reducing future maintenance requirements (it will also include some welding work)
- electrical supply and service lighting installation
- installation of the aggregate conveyor.

Works to address the first two points are anticipated to take place in March. The timescale for the installation of the conveyor by Brett Aggregates has not yet been confirmed, but this is not reliant upon completion of the works mentioned in the first two points.

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Brett Aggregates will continue to bring coarse aggregates to site via road until the berth is operational however the total additional cost of road haulage following the decommissioning of the former berth is still expected to be less than the £180k estimated in the July 2021 Cabinet report. Brett Aggregates continue to bring fine aggregates (sand) to site via sea.

The final cost to deliver Berth 4-5 will be available following conclusion of the project.

5. **DISTRIBUTION LIST**

Prepared by: - Christine Parker	Reviewed by: -	Date	To
Draft Report	Deputy Head of Audit Partnership (SAW)	23/01/23	Chief Executive
			s.151 Officer
			Project Manager
Final Report to Cabinet	Deputy Head of Audit Partnership (SAW)	xx/01/23	Chief Executive
			s.151 Officer
			Project Manager

List of Appendices

- Appendix 1 - Berth 4-5 Timeline
- Appendix 2 - Letter to BAM 02.08.2019
- Appendix 3 - Project Programme 10.06.2019
- Appendix 4 - Extract from Financial Procedure Rules - Capital
- Appendix 5 - Budget Summary and Additional Estimated Costs at 16.06.2022
- Appendix 6 - Statutory Notice 23.08.2019

RECOMMENDATIONS AND ACTION PLAN

Priority	Main Control Risk	Recommendation to Mitigate Risk	Proposed Action or Action Taken	Proposed Completion Date & Responsibility
High	The absence of a realistic and sufficient time allocation to a project may limit the likelihood of achieving the desired milestones and outcomes.	1. Time allocations for achieving project milestones must be well researched, be realistic and include a healthy contingency to cover unforeseen project slips that will inevitably materialise.		
High	The absence of a realistic and sufficient budget allocated to a project may limit the likelihood of achieving the desired milestones and outcomes.	2. Cost estimates included in Capital Project Bids must be well researched, be realistic and include 'deal break' points and a healthy contingency to cover unforeseen risks that will inevitably materialise. Consideration to introduce a requirement for a provisional valuation of schemes over £1m threshold, to be undertaken before they are included in the capital programme, and further consider adding inflationary uplift to capital programme slippage in future years.		
High	A risk averse culture and vision may lead to missed opportunities. To seize opportunity is not unlawful and may be undertaken with good governance.	3. The culture of the Council should encourage all options that benefit the Council to be worked through for consideration, including taking calculated risks with good governance to secure value for money, and utilise the powers contained in the Constitution to enable improved Decision Making.		
High	Decision making with a lack of openness and transparency may impact the culture of the	4. There must be better scrutiny of Capital projects where the Council indirectly benefits from the investment, to ensure good governance and robust challenge		

	Council such that it misses out on potential opportunities.	is fully explored before decision making is completed.		
High	The lack of a Project Management Framework means project managers are likely to produce their own template, and use documents which may not be consistent with good governance or best practice and may not be sufficient for assurance purposes, hindering the ability for the Council to learn from project to project.	5. The Council should allocate responsibility for Project Management, agree a Project Management Framework, provide guidance on the intranet and support relevant staff with training.		
High	The lack of an effective project communication strategy may generate numerous FOI requests (which are timely to resource) and may lead to reputational damage on social media.	6. Each project plan should include a detailed communication strategy considering the needs of all stakeholders to include community engagement opportunities to enhance good governance, (transparency and openness).		
High	If all the specialisms are not consulted, key risks may not be addressed in good time (even risks that may terminate the project), which later may detrimentally impact the project in terms of both delay and cost.	7. Create capacity for greater inclusion of the specialist input required on project teams throughout the life of the project. Ensure the project team agrees (or escalates) that each milestone has been achieved before proceeding, and any 'deal break' points are fully considered.		
High	There may be additional delay if the need to bring in external expertise or resources is not identified early in the project.	8. Identify sooner when external resources or expertise will be required, and acknowledge the delay or cost impact this could have on a project.		
High	Poor programming may lead to retrospective decisions under	9. Programming of Capital works should start earlier, and resources should be		

	urgent arrangements which creates a culture of poor governance.	sufficient to create capacity to think adequately ahead; particularly for the replacement of Council assets before their end of life.		
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Berth 4/5 Independent Review

Terms of Reference

Purpose

The section 151 Officer is commissioning East Kent Audit Partnership to undertake a review of the Berth 4/5 capital scheme.

The requirement to undertake the review arises from the need to satisfy the recommendation received from the Independent Monitoring Officer (IMO), to;

Undertake an independent review/audit of the Berth 4/5 project from its inception to the present day with a view to identifying the causes for delay and cost overruns which have beset the project including the project governance. The results to assist in identifying lessons for the future management of large projects.

The key objectives of this review are to:

- Provide the section 151 Officer and Thanet District Council with a level of assurance pertaining to the governance and the project management associated with this scheme, and
- Provide learning and/or improvement actions for the future management of large projects.

Background

On 12 October 2021, Grant Thornton, the Council's external auditors issued statutory recommendations against the Council under Section 24 of Act: <https://www.thanet.gov.uk/wp-content/uploads/2021/10/Thanet-District-Council-statutory-recommendations-12-October-2021.pdf>

The Council accepted the recommendations in full at its meeting of 2 November 2021: <https://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=141&MIId=6087>

The first recommendation was that the Council should “*Commission an Independent Monitoring Officer from a large local authority to report to the General Purposes Committee on.....A lessons learnt report collating themes and recommendations from all externally commissioned reports and any other appropriate evidence*”

The Council appointed Mr Quentin Baker, Monitoring Officer from Hertfordshire County Council, in accordance with the recommendation.

The analysis in the IMO report focussed primarily on the governance regarding some processes within TDC and did not review the wider operational performance of the council in delivering its services and activities. However, one area of the operation was identified as warranting mention in the report. Mr Baker reported that resounding consensus was of

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concern regarding the quality of project management in relation to this activity which has been ongoing for a number of years and has resulted in significant financial losses and adverse publicity. The project commonly referred to as 'Berth 4/5' was also a source of conflict between the former members of the Corporate Management Team

Scope

Concerns raised either directly by the IMO himself or referred to in his report as being raised by other TDC officers include:

- A perception by the previous section 151 Officer of a failure to follow appropriate procurement procedures
- A perception by the previous section 151 Officer of a general lack of sound project management leading to significant financial overspends
- There is also a perception of a lack of transparency which is justified on the basis of 'commercial sensitivity'.
- Whether sufficient weight was given to the advice and opinion of the section 151 Officer
- Whether councillors were given sufficient and adequate information in relation to the project

Accordingly, an objective of this review is to sufficiently address all of the above concerns. The recommendations set out that the review should cover the project from its inception till current day.

This is a complex project and it is not possible to set out all the relevant documentation and processes that needs to be reviewed. As a minimum the following aspects should be considered:

- **Business case formation** - How the business case for the project was formed and whether it was sufficiently detailed given the size and complexity of the project.
- **Option appraisal** - including the consideration of alternative options to the chosen solution.
- **Corporate project evaluation process** - how the project was evaluated, from a financial & non-financial perspective, and what key criteria were met.
- **Procurement process followed** - The appropriateness of the process that was followed. The consideration of the advice that was received from procurement professionals.
- **Initial supplier engagement** - At what point were BAM engaged with as a potential supplier and whether any commitments (contractual or otherwise) were entered into prior to the necessary approvals being obtained.
- **Commissioning and consideration of legal advice** - how the legal advice that was obtained was considered and applied.

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- **Decision making, governance and approval process** - the adequacy of the governance arrangements, including whether the dispute between the members of CMT affected the process. Whether sufficient weight was given to the advice of all of the statutory officers.
- **Project chronology** - the review should consider the sequencing of events and whether this has contributed to any of the perceived project failures.
- **Risk management** - whether appropriate RM tools have been applied.
- **Granting of necessary permissions** - much of the delay and overruns have been cited as being due to the requirement to obtain further permissions. The review should consider whether it would be reasonable for the officers to have anticipated these requirements from the project outset.
- **Budget control and monitoring** - the accuracy of forecasts and robustness of controls.
- **Member engagement** - The involvement of members in the decision making process and the allowance for appropriate opportunities for scrutiny.
- **Communications approach / strategy** - consideration of how residents and other stakeholders were informed or engaged with throughout the project.
- **Application of commercial sensitivity restrictions** - provision of a view on whether the application of these restrictions was appropriate and in what circumstances they may or may not be for future large projects.
- **General Project Management** - whether appropriate project management tools, techniques and controls were deployed.
- **Corporate Operating Environment** - all of the above should be considered in the context of the environment that TDC's CMT was operating in.

This is not intended to be an exhaustive list, and it is at the discretion of EKAP to consider whether other facets of the project need to be reviewed.

Persons of interest

Some of the officers that were intimately involved in the project have now left the authority, particularly the three statutory officers. However, there are still a number of existing officers who were and/or remain involved with project to varying degrees; to enable a thorough review and understanding of the chronology and complexities of the project it is recommended that the following officers are interviewed:

- Gavin Waite, Corporate Director of Communities
- Mike Humber, Levelling Up - Project Director
- Robert Brown - Maritime Operations Manager and Harbour Master
- Chris Blundell - Acting Deputy Chief Executive & s151 Officer

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- Matt Sanham - Acting Director of Finance and Operations
- Gemma Paul - Procurement Manager

The above list is not intended to be exhaustive and the need to interview other officers may arise through the passage of the audit.

Distribution

A draft copy audit report should be provided to the s151 Officer, the Chief Executive and the Monitoring Officer for comment and consideration.

Subject to TDC's statutory officers being satisfied that the outputs of the report sufficiently address the IMO's recommendations, a final version of the report will be presented to the Council's General Purpose Committee.

It will also be necessary for the report to be provided to Grant Thornton.

Date	Subject	Notes / Description	Risks/Implications/Outcome
08/03/19		Initial contact from BAM informing that an aggregate berth on the River Crouch used on the crossrail project was no longer required. Berth consisted of two large steel pontoons.	
15/05/19		Initial meeting with project consultant, to develop outline design for a fixed quay replacement for the existing berth 4/5.	At the meeting instructions were also given to carry out an assessment of the suitability of the BAM pontoons for use as a replacement Berth 4/5 at Ramsgate
28/06/19	Planning Advice commissioned by TDC as Applicant	Advice was sought from external lawyers on the interaction between the Ramsgate Corporation Act 1934 and the General Permitted Development Order (GPDO2015) in the context of the proposed works.	Although the development is considered to be schedule 1 development (EIA Regulations) the advice indicated that reliance could still be placed on part 18 of the GPDO. On this basis a prior approval application could therefore be made without the need to undertake an EIA or to make a full planning application.
25/07/19		<p>Port Working Party Meeting Attendees:</p> <p>Cllr-Robert Bayford (Leader and Portfolio Holder) Cllr Peter Campbell Cllr Brenda Rogers Cllr George Rusiecki Cllr Rick Everitt Gavin Waite Madeline Homer Mike Humber</p> <p>Two technical reports from the project consultant shared with attendees.</p> <ol style="list-style-type: none"> 1. Basis of design report for a fixed quay 2. Assessment of the suitability of the BAM pontoons for use as two separate berths at Ramsgate 	Outcome of the meeting was that the pontoon option should be taken forward and developed with costs sought as this appeared to represent best value
01/08/19		Meeting with BAM and formal offer made to supply and install both pontoons for a lump sum cost of £1,250,000.	
12/08/19		BAM agreed to reduce the cost of the proposed works to £1,050,000	The reduced BAM offer along with other project costs were estimated to total £1.415m leaving a contingency of £85k in the total allocated budget of £1.5m
20/08/19	Legal Instruction	Legal Instruction to seek procurement advice on purchase and installation of the BAM pontoons and compliance with the PCR2015	

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TDC Berth 4/5 Project Timeline		March 2019 - February 2023	
Date	Subject	Notes / Description	Risks/Implications/Outcome
23/08/19	Legal Advice	Legal advice received on the following question: "Can the pontoons be purchased in accordance with the Public Contracts Regulations 2015"	The decision made following the advice was to prepare a PSR2015 compliant tender pack with performance spec for competitive tendering.
18/09/19	Legal Advice	Legal check of the draft tender documents to ensure it was possible for open competition. The documents provided additional information which allowed a better understanding of the scale of the project that our lawyers had not had prior to the initial advice.	A second piece of legal advice was proposed and sought which indicated that the council could argue that the project is works or a mixed works/supply contract. This would mean that the works would be below the PCR2015 works threshold of approx £4.3m opening the opportunity to legally make a direct award subject to the waiving of TDC contract standing orders.
20/09/19	Budget / Scheme Approval	Record of decision signed by Cllr Bayford as portfolio holder to approve the addition to the 2019/20 capital programme of a capital project to deliver the Commercial Berth in the Eastern Gully of the Royal Harbour, to be funded from the realignment of the existing 2019-20 budget for Berth 4/5.	This published decision would (if implemented) have split the £1,477k budget as follows: Berth 4/5 - £887k Commercial Berth - Eastern Gully, Ramsgate Harbour project - £590k
23/09/19	Budget / Scheme Approval	Cllr Campbell as the chair of O&S gave notice by email that the record of decision made on 20/09/2019 would be called into O&S	Overview And Scrutiny Panel Call-in of Individual Cabinet Member Decision - Port And Harbour Projects - Variation to 2019/20 Capital Programme
01/10/19	Budget / Scheme Approval	Overview and Scrutiny Meeting Councillor Everitt proposed, Councillor Albon seconded and Members agreed to request that the Leader of Council held in abeyance the implementation of the decision for ten days during which arrangements were made for the Panel to view the legal documents relating to the procurement process of the two pontoons.	O&S Members to have opportunity to view legal advice during a 10 day period before decision is implemented
15/10/19	Budget / Scheme Approval	Following the change in administration on 10/10/2019 a Cabinet report was requested with options to take the project forward.	The individual cabinet member decision of 20/09/2019 was not implemented after the 10 working days referenced above pending the outcome of the report.
14/11/19		Pre- Cabinet Meeting Revision of 18/9/19 advice with additional content on risk of direct award was presented to Cabinet and CMT, advice from the Monitoring Officer & Deputy Monitoring officer was that the external advice was sound and that the Council could issue a	The Section 151 officer indicated that he did not support the direct award and preferred option would be a competitive process

Date	Subject	Notes / Description	Risks/Implications/Outcome
		direct award	
14/11/19	Budget / Scheme Approval	<p>Cabinet Cabinet report - Replacement of Berth 4/5 (Port of Ramsgate) and Provision of Commercial Berth (Ramsgate Harbour).</p> <p>The report described the urgent need to replace the existing Berth 4/5 (aggregate berth) and the proposal to deliver a commercial berth project in Ramsgate Harbour.</p>	A total of 4 options were listed in this report. The Cabinet decision on the report was deferred to the December 2019 meeting of Cabinet.
16/12/19	Budget / Scheme Approval	<p>Cabinet As above</p>	Option 4 for a competitive tender for a single berth to replace berth 4/5 was approved. The second additional commercial berth in the harbour included within BAM's original offer was therefore not taken forward.
24/01/20	Procurement	Open tender advertised for Berth 4/5 project	
02/03/20	Procurement	Tender return date	
10/03/20	Procurement	Tender opening meeting	
08/04/20	Budget / Scheme Approval	Email from Finance regarding berth 4/5 budget confirming budget position	It was confirmed that as the original decision to approve the commercial berth was called in, the capital budget had not been split into two separate budgets. Accordingly, the full budget has always remained in the Berth 4/5 capital budget.
14/04/20	Procurement	Order raised for technical evaluation of lowest tender by project consultant.	
16/04/20	Budget / Scheme Approval	Confirmation from Committee Services Manager that budget in place and no further decision or authorisation required to award tender provided that the decision of Cabinet on 16 December 2019 is followed.	Subject to tender evaluation, permissions in place to award contract
04/05/20	Procurement	Meeting with project consultant to run through and sign off draft outputs of technical evaluation of tender submission	
07/05/20	Consents and Licencing	Estates surveyor contact with Crown Estates to update on project progress and inform of proposed tender award	
20/05/20	Marine Licence (Consents and Licencing)	Project consultant shared draft Marine Licence and Water Framework Directive applications to the MMO	
20/05/20	Procurement	Award decision notice to successful and unsuccessful tenderers sent by Procurement (10 day standstill starts).	

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TDC Berth 4/5 Project Timeline		March 2019 - February 2023	
Date	Subject	Notes / Description	Risks/Implications/Outcome
22/05/20	Consents and Licencing	UXO (Unexploded Ordnance) desktop study commissioned to inform CDM Construction Phase Plan	
26/05/20	Consents and Licencing	Amendments to draft marine licence application and instruction to project consultant to submit to MMO	
29/05/20	Consents and Licencing	Crown Estates confirm estimated fees of £9k for the provision of new supplemental lease	
01/06/20	Budget / Scheme Approval	Committee Services Manager confirms that the decision on 16/12/2019 meets the requirements of the constitution for a contract award of this value.	
02/06/20	Consents and Licencing	Marine licence application is submitted	
09/06/20	Contract Award	Provisional contract dates shared with legal services as follows	Project start - 13/07/2020. The access date - 14/09/2020. Completion date 30/10/2020
10/06/20	EIA (Consents and Licencing)	Screening request sent to Natural England for Appropriate Assessment.	
10/06/20	Contract Award	Tender acceptance letter sent by legal to BAM	Contract offer letter sent to BAM
17/06/20	EIA (Consents and Licencing)	MMO notification that the scheme will need to be screened for EIA.	This had the effect of putting the marine licence application on hold until screening complete. This would delay marine licence determination so contract award was held.
18/06/20	EIA (Consents and Licencing)	Information on frequency and level of berth usage sent to MMO to inform EIA Screening Opinion.	
22/06/20	Contract Award	Legal informed of need to hold on completion of contract award	BAM informed that contract award on hold
29/06/20	EIA (Consents and Licencing)	Legal advice received on potential to challenge the MMO's request to screen for EIA	No scope to challenge position based on EIA regs and rights under GPDO
17/08/20	EIA (Consents and Licencing)	Conclusion of MMO screening opinion is that EIA is not required. Marine licence application resumed	Marine licence process started again at week 3 of 13.
20/08/20	Prior Approval (Consents and Licencing)	Prior Approval application was submitted to Local Planning Authority (LPA)	This submission had to wait until the outcome of the MMO's EIA screening process
26/08/20	Contract Award	New dates agreed in principle with contractor	Contract start date - 14/09/2020 Contract Access Date (landside) - 21/09/2020 Contract Access Date (Marine) - 09/11/2020

Agenda Item 13

Annex 3

TDC Berth 4/5 Project Timeline		March 2019 - February 2023	
Date	Subject	Notes / Description	Risks/Implications/Outcome
			Contract Completion - 31/01/2021
01/09/20	Contract Award	Contract Awarded to BAM	Contract documents sent to BAM for signature
25/09/20	Marine Licence (Consents and Licencing)	Marine Licence consultation starts	4 week consultation with adverts in local papers as part of marine licence process
30/09/20	Contract Award	Signed contract returned and completed by Legal	Formal contract now in place
13/10/20	Prior Approval (Consents and Licencing)	Local Planning Authority confirmed to TDC as applicant that legal advice had been sought which indicated that an EIA would now be required before the Prior Approval application could be determined	Potential to halt marine licence and prior approval applications and significantly delay construction start
15/10/20	Construction Contract	Notification to BAM that EIA required and contracted works will be unable to start until EIA in place to inform prior Approval. Instruction issued not to start works.	
22/10/20	Marine Licence (Consents and Licencing)	Indication from MMO that they are considering the LPA's position on need for an EIA and aligning consents	This effectively halts the marine licence process until an EIA has been undertaken and accepted
05/11/20	Site Works	Seaward barge of existing Berth 4/5 decommissioned and removed from station	Following poor weather and damage to the berth and due to poor condition, berth decommissioned. Bretts unable to bring coarse aggregates by sea until a new berth is in place.
23/11/20	Site Works	Second barge removed	As above
09/12/20	Construction Contract	Notification of compensation event issued by BAM as a result of the delay in starting the works	
18/12/20	Construction Contract	Notification to BAM that revised start date will be communicated in January 2021	
14/01/21	Construction Contract	Notification to BAM of consent to restart works on dates as follows: <ul style="list-style-type: none"> • access date for marine works within the site 04/10/21 • access date for all other works 13/09/21 • completion date 23/01/22 	Dates shown based on best information available at the time but still subject to revision if required
18/01/21	Marine Licence (Consents and Licencing)	MMO confirmed that it will defer to the LPA's decision on the EIA. MMO will also undertake the required Habitats Regulations Assessment (HRA)	
22/01/21	EIA (Consents and Licencing)	Scoping Report draft received from project consultant	Draft report for client review
28/01/21	Marine Licence (Consents and	Sampling Plan for Marine licence received from MMO. importantly this included	

Date	Subject	Notes / Description	Risks/Implications/Outcome
	Licencing)	sampling and testing for Brominated flame retardants (PBDEs), a new requirement.	
28/01/21	EIA (Consents and Licencing)	Formal submission of scoping report for EIA to the LPA	
03/02/21	Marine Licence (Consents and Licencing)	Indication that the PBDE testing will require 90 day lead in time and 120 days for a lab to complete there after	Quotes received were on this basis as only one accredited lab in the UK can undertake this testing. Likely to lead to further serious delay to programme.
05/02/21	EIA (Consents and Licencing)	Quote received from Robert West for EIA development based upon the content of the scoping report submitted to the LPA	Quotation value £67,511
18/02/21	Construction Contract	Compensation Event Quotation 01 (CEQ01) submitted by the contractor (BAM)	
04/03/21	Marine Licence (Consents and Licencing)	Order placed for sediment samples to be taken to inform licence process and for testing to be undertaken	This activity is now considered to be on critical path due to the length of time needed for PBDE testing so order placed as quickly as possible.
05/03/21	EIA (Consents and Licencing)	5 weeks since EIA Scoping opinion sought - (anticipated date of response.) However MMO not yet engaged on the process.	
26/03/21	Change in Project budget	Update at Cabinet/CMT Due to ongoing delays with EIA and consents the project costs have significantly increased.	Additional project costs now exceed allocated budget and alternative funding solutions to be considered in relation to capital and revenue expenditure.
13/04/21	EIA (Consents and Licencing)	Email from project consultant to MMO MMO determination period is 5 weeks on EIA Scoping Opinion - but now 10 weeks since the request was made. No update on progress received.	
13/04/21	EIA (Consents and Licencing)	MMO email informing of capacity issues and won't be able to look at EIA scoping at the current time.	This has the effect of delaying the LPA's ability to issue a full scoping response. This is particularly important because the intended route to gaining approval of the Environmental Statement and EIA is for the MMO to adopt the LPA's decision. If the MMO's comments are not included in the scoping response then this may not be possible.
19/05/21	Marine Licence (Consents and Licencing)	Indication from the bathymetry samples testing lab that PDBE test results will be available the first week of June.	This is better than the anticipated date.
26/05/21	EIA (Consents and Licencing)	MMO email, indicating that the MMO have now received most of the consultation responses and are in the process of drafting a scoping opinion but are still	Due to sediment testing happening earlier than expected the critical path falls back to the EIA and Marine Licence.

Agenda Item 13

TDC Berth 4/5 Project Timeline

March 2019 - February 2023

Annex 3

Date	Subject	Notes / Description	Risks/Implications/Outcome
		awaiting one response.	Construction start date directly affected by return of scoping opinion and approval of scoping report.
06/07/21	EIA (Consents and Licencing)	MMO response to EIA Scoping Report	This provides the LPA with the last required stakeholder response to make its formal response to the scoping report.
16/07/21	EIA (Consents and Licencing)	LPA (TDC) scoping opinion issued to Robert West and TDC as applicant	Upon initial review, scoping opinion appears to scope in more detail than anticipated and a meeting is arranged to review with Robert West and Temple
23/07/21	EIA (Consents and Licencing)	Meeting TDC applicant and Robert West to review scoping opinion	Scoping opinion reviewed - Operational impacts will increase cost and duration of EIA development.
29/07/21	Cabinet Meeting	Cabinet Meeting - Berth 4/5 report considered which recommended an additional £825k funding allocation bringing total estimated project value to £2,322k	Cabinet approved recommended increased funding allocation
02/08/21	EIA (Consents and Licencing)	Revised quote (based on increased scope) received from Robert West for EIA development	Value of quotation £94,734 (previous value £67,511)
13/08/21	EIA (Consents and Licencing)	Further revised quote (based on accepted scope) received from Robert West for EIA development	Value of quotation £77,992
19/08/21	EIA (Consents and Licencing)	CSO Waiver drafted to award EIA development to Robert West based on undisputed items.	
26/08/21	EIA (Consents and Licencing)	CSO Waiver signed	
27/08/21	EIA (Consents and Licencing)	Order for EIA sent to Robert West - Order value £78k	
31/08/21	Construction Contract	Contractor notified of revised (later) anticipated access dates as a result of EIA timescale. Contractor asked to revise CEQ01 to reflect these dates	Assumptions based upon the projected EIA programme: <ul style="list-style-type: none"> • access date for marine works within the Site 06-Jun-2022 • access date for all other works 02-May-2022
09/09/21	EIA (Consents and Licencing)	RFI (Request for Information) register received from Rober West and Temple Group	Over 80 individual questions and requests for documents/information to inform the EIA work
24/09/21	EIA (Consents and Licencing)	Confirmation to Robert West that TDC would not pursue a challenge to the inclusion of operational impacts in the EIA	This resulted in the increase in EIA value to the sum quoted on 2 August (£94,734).

Agenda Item 13

TDC Berth 4/5 Project Timeline

March 2019 - February 2023

Annex 3

Date	Subject	Notes / Description	Risks/Implications/Outcome
29/09/21	EIA (Consents and Licencing)	Request to MMO for a meeting to clarify some items scoped into EIA.	The reason for pursuing this point is the high cost of producing the required content (circa (£30k)
18/10/21	Marine Licence (Consents and Licencing)	Email to MMO challenging decision to reject original licence application.	This was later discussed at meeting on 11/11/21
27/10/21	EIA (Consents and Licencing)	Letter to LPA from Temple Group proposing 5 areas of deviation from scoping opinion with rationale	Proposed deviations: <ol style="list-style-type: none"> 1. Further Benthic Sampling 2. Adequacy of maintenance dredging licence 3. The requirement for an FRA 4. Assessment of impacts on Turnstones 5. Operational hours
11/11/21	Marine Licence (Consents and Licencing)	Meeting with MMO	Agreed to withdraw existing marine licence application (application withdrawn on 12/11/21)
22/11/21	EIA (Consents and Licencing)	Chase up email to MMO requesting a meeting to clarify some items scoped into EIA.	This meeting would have included CEFAS and MMO but did not occur due to delayed responses and tight EIA timescale
23/11/22	EIA (Consents and Licencing)	Quote received for Flood Risk Assessment (FRA) for the berth to satisfy inclusion of requirement for FRA in scoping opinion.	Quote value £2,275
24/11/22	EIA (Consents and Licencing)	Instruction to Robert West to proceed with FRA.	This was actioned to mitigate programme risk in the absence of MMO meeting to clarify requirements
25/11/22	EIA (Consents and Licencing)	Response from LPA to letter dated 27/10/22 regarding scoping opinion	Main points covered: <ol style="list-style-type: none"> 1. Dredging - request for clarification in EIA on how maintenance dredge licence interacts with capital dredge 2. Deferral to MMO on benthic sampling, FRA and impact on overwintering birds 3. Construction hours
02/12/22	EIA (Consents and Licencing)	Some of the draft Environmental Statement chapters shared with TDC for review.	This was the first 4 of the 27 documents to be reviewed and amended where required before being issued
07/12/21	Construction Contract	Revised CEQ01 received from BAM	CEQ01 proposed value £445k
09/12/21	EIA (Consents and Licencing)	Email to MMO chasing up guidance on benthic sampling requirement	
05/01/22	EIA (Consents and Licencing)	Last of the 27 documents reviewed and returned to Robert West / Temple Group	
14/01/22	EIA (Consents and Licencing)	Response from MMO on benthic sampling	Advised to justify the proposed

Date	Subject	Notes / Description	Risks/Implications/Outcome
	Licencing)		approach on benthic sampling within the ES. This approach had already been taken in the absence of previous advice from the MMO.
18/01/22	EIA (Consents and Licencing)	Notice to LPA of intention to submit revised prior approval application on 28/01/22	
20/01/22	Marine Licence (Consents and Licencing)	Meeting with MMO to update on progress on ES and Marine licence application	
28/01/22	Prior Approval (Consents and Licencing)	Prior approval application submitted to LPA. Notice to withdraw previous prior approval application (PA/TH/20/1092) also given.	
28/01/22	Marine Licence (Consents and Licencing)	Marine Licence application submitted to MMO.	Proactive media statement released and MMO senior manager informed of licence application submission.
01/02/22	Prior Approval (Consents and Licencing)	Prior Approval application validated by LPA	
15/02/22	Prior Approval (Consents and Licencing)	Confirmation received from LPA that application PA/TH/20/1092 has been withdrawn.	
15/02/22	Marine Licence (Consents and Licencing)	Marine licence application allocated to MMO case officer	
01/03/22	Construction Contract	Access dates clarified with contractor to allow for dredging prior to marine construction start	<ul style="list-style-type: none"> • Access date for dredging (by TDC) 6-Jun-2022 • access date for marine works within the Site 24-Jun-2022 • access date for all other works 20-May-2022
03/03/22	Prior Approval (Consents and Licencing)	16 Technical questions received from RTC via the LPA on the content of the EIA and berth proposal	This required the reengagement of Temple Group via Robert West and a meeting to draft a response.
15/03/22	EIA (Consents and Licencing)	Notice from MMO of intent to defer EIA consent decision to the LPA under EIA regs and Coastal Concordat	
21/03/22	Marine Licence (Consents and Licencing)	Chase up by project TDC client officer on marine licence consultation start date	
22/03/22	EIA (Consents and Licencing)	Response from MMO that assessment progressing but no date for consultation start yet	
22/03/22	Prior Approval (Consents and	Response to LPA on 16 technical questions	

Date	Subject	Notes / Description	Risks/Implications/Outcome
	Licencing)		
30/03/22	Marine Licence (Consents and Licencing)	TDC client officer further chase up on marine licence consultation start date	
31/03/22	Marine Licence (Consents and Licencing)	Response from MMO that assessment still ongoing, possibly move to consultation stage w/c 04/04/22	
01/04/22	Marine Licence (Consents and Licencing)	Meeting with MMO to discuss the delay in starting public consultation	
08/04/22	Marine Licence (Consents and Licencing)	MMO notification that consultation phase may now start	
13/04/22	Construction Contract	Value of CEQ01 now proposed at £321k	This is likely to be the final sum for this compensation event unless the construction start date is pushed back further.
13/04/22	Marine Licence (Consents and Licencing)	Consultation phase start	This is the earliest date possible after MMO notification as the consultation start must be aligned with publication in a local newspaper
04/05/22	Marine Licence (Consents and Licencing)	Meeting with the MMO	<p>Consultation deadline 6/05 Nothing by exception: Historic England Crown Estates - issues around works Trinity House</p> <p>Still waiting; EA Local Fisheries IFCA MCA - chased Natural England</p> <p>CEFAS -still outstanding but not due 11/05</p> <p>Nothing on public register yet due back 13/05</p>
04/05/22	Marine Licence (Consents and Licencing)	MMO to formulate and finalise but dependant on EIA position from LPA	Need to update MMO on situation
06/05/22		Compensation event, CEQ001 formally accepted	
18/05/22	Prior Approval (Consents and Licencing)	Planning (Prior Approval) granted at meeting of Planning Committee	
27/05/22	Marine Licence (Consents and Licencing)	Marine Licence Issued by MMO	

Date	Subject	Notes / Description	Risks/Implications/Outcome
10/06/22	Construction Contract	Landside access date	The date from which access for land based works is available under the contract
13/06/22	Construction Contract	Capital dredging commenced	The dredging work is required to accommodate the new pontoon.
4/07/22	Construction Contract	BAM mobilisation to site	Start of site set up, (welfare, site accommodation, plant, materials equipment brought to site from this date)
15/07/22	Construction Contract	Marine works access date	The date from which access for water based works is available under the contract.
21/07/22	Construction Contract	Crane Barge (Forth Atlas) arrival at Port	
24/07/22	Construction Contract	Capital dredging completed	Dredging required to be completed before piling (via the crane barge) can commence
25/07/22	Construction Contract	BAM marine works start - (actual start date)	
30/08/22	Marine Licence (Consents and Licencing)	Marine licence variation granted on the basis of an extended working window as described in the Construction Environment Management Plan	This variation allowed the marine works to continue during September 2022
7/09/22	Construction Contract	Project Manager's Instruction issued to confirm that the following activities are to be removed from the main construction contract. <ul style="list-style-type: none"> ● Electrical installation works ● Application of anti-slip deck coating to the deck 	Two distinct activities removed from main contract for separate later delivery to allow the remaining work to be completed by 30/09/22 in compliance with Construction Environment Management Plan requirements.
17/09/22	Construction Contract	Crane Barge (Forth Atlas) departure from Port	
27/09/22	Construction Contract	Snagging list issued to contractor	Snagging list contains defects observed during end of works inspection by clients site representative
30/09/22	Construction Contract	BAM main works completed	
20/10/22	Construction Contract	Compensation event quotation received regarding Construction Environment Management Plan programme constraints	This relates to construction programme constraints which did not exist at the point of tendering
5/12/22	Construction Contract	Redesign of gangway bearing connection proposed by BAM and agreed by Robert West (project manager) on behalf of TDC as client	Part of snagging list requirement
8/2/23	Construction Contract	Contract awarded for electrical works installation	This contract is for the delivery of the electrical works removed from the main contract scope

Date	Subject	Notes / Description	Risks/Implications/Outcome
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Estimated Timescale for Remaining Activities

March 23	Construction Contract	Gangway bearing connection replacement	
April 23	Construction Contract	Electrical installation works complete	
May 23	Budget Position	Total value of Berth 4/5 project will be determined	This will following the final account process for the main works contract and other contracts including electrical works and project management
May 23	Completion	Berth ready for service	

Direct Dial: 01843 577083
Email: mike.humber@thanet.gov.uk
Date: 2nd August 2019



Mr R Watts
BAM Nuttall Ltd
The Airfield
Shipdham
Thetford
Norfolk
IP25 7SP

Dear Richard,

Proposed Reuse of Wallasea Island Pontoons - Subject to Contract

I refer to our continued discussions with regard to the proposal to reuse the Wallasea Island BAM Nuttall pontoons ('the pontoons') at the Port of Ramsgate. Thanet District Council ('TDC') welcome and are supportive in principle of this proposal subject to future agreement of cost and mutually acceptable terms and conditions for the transfer of the pontoons to TDC and their installation at Ramsgate.

We look forward to continuing to work towards agreement in principle of the basis on which the pontoons may potentially be installed and used at the Port of Ramsgate.

Until such time as TDC and the company have agreed terms and entered into a binding written agreement, please note that these proposals remain strictly 'Subject to Contract'.

Notwithstanding any other provisions of this letter, nothing expressed or implied in this letter is intended to create legal relations between TDC and your company.

As such, neither you nor your company should place any reliance on the terms of this letter and TDC does not - and will not - accept any liability of whatever nature for any costs, losses, liabilities or expenses that you and/or the company suffer or incur (directly or indirectly) in connection with the matters set out or referred to in this letter, or as a result of any decision of TDC not to proceed with the proposed arrangements on the terms set out above, or at all.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'MH', is written over a light blue horizontal line.

Mike Humber
Head of Maritime and Technical Services

Reception: 01843 577000
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Facebook: @ThanetDistrictCouncil
Twitter: @ThanetCouncil
Head office: Cecil St, Margate CT9 1XZ

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Berth 4/5 Project Programme	2019																																				2020																								
	Feb			Mar			Apr			May			Jun			Jul			Aug			Sep			Oct			Nov			Dec			Jan			Feb			March																					
Version Date: 18 June 2019	4	11	18	25	4	11	18	25	1	8	15	22	29	6	13	20	27	3	10	17	24	1	8	15	22	29	5	12	19	26	2	9	16	23	30	7	14	21	28	4	11	18	25	2	9	16	23	30	6	13	20	27	3	10	17	24	2	9	16	23	30
Week No.	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30					
Consultancy Procurement Phase																																																													
Procurement Review and Publish																																																													
Quotation bidding period																																																													
Evaluate quotation submissions																																																													
Declaration and waiting period																																																													
Outline Design, Consents and Works Procurement																																																													
Develop outline design and specification (Consultant)																																																													
Early Consultation - NE/EAMMO																																																													
Crown Estates Consultation																																																													
Planning (Cert Lawful Development)																																																													
Licencing MMO - SI (Boreholes and DP)																																																													
Site Investigation Procurement																																																													
Site Investigation																																																													
CMT Consultation on Design Option																																																													
Licencing MMO (permanent works)																																																													
PIF Completion (Procurement)																																																													
Prepare Tender Documents																																																													
Procurement Review and Publish																																																													
Construction Tender bidding period																																																													
Evaluate Construction Tender submissions																																																													
Declaration and waiting period																																																													
Contract Award																																																													
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Deck fixtures and fendering																																																													
Install Services																																																													
Decommission existing berth																																																													
Demobilisation																																																													
Snagging																																																													
Dredging approach and berth pocket																																																													
Ready for Service																																																													

Appendix 3

Extract from Financial Procedure Rules Regarding Capital Expenditure

Regulation B Financial Planning

Preparation of the Capital Programme

B.12 The Section 151 Officer is responsible for ensuring that a rolling 5 year Capital Programme is prepared on an annual basis for consideration by the Cabinet before submission to Full Council. Full Council may amend the Capital Programme or ask the Cabinet to reconsider it before approving it.

6. Capital Programmes

6.1. General

Capital expenditure involves acquiring or enhancing fixed assets with a long-term value to the Council, such as land, buildings, and major items of plant, equipment or vehicles. Capital assets shape the way services are delivered in the long term and create financial commitments for the future in the form of financing costs and revenue running costs.

The Government places strict controls on the financing capacity of a local authority. This means that capital expenditure should form part of an investment strategy and should be carefully prioritised in order to maximise the benefit of scarce resources.

6.2. Responsibilities of the Section 151 Officer:

To prepare 5-year rolling capital estimates jointly with Second Tier Service Managers and to report them to the Cabinet for approval. The Cabinet will make recommendations on the capital estimates and on any associated financing requirements to Full Council.

To prepare and submit reports to the Cabinet on the projected income, expenditure and resources compared with the approved estimates.

To issue guidance concerning capital schemes and controls, for example, on project appraisal techniques. The definition of 'capital' will be determined by the Section 151 Officer, having regard to government regulations and accounting requirements.

To obtain authorisation from the Cabinet for individual schemes where the estimated expenditure exceeds the capital programme provision by more than a specified amount.

To calculate prudential indicators to be used in connection with the Capital Programme.

6.3 Responsibilities of Second Tier Service Managers:

To comply with all guidance concerning capital schemes and controls issued by the Section 151 Officer.

To ensure that all capital proposals have undergone a project appraisal in accordance with guidance issued by the Section 151 Officer.

Agenda Item 13

Annex 6

To prepare regular updates for Senior Management Team's Performance Board reviewing the capital programme provisions for their services and to meet quarterly with Financial Services to monitor progress against their capital projects.

To ensure that adequate records are maintained for all capital contracts.

To proceed with projects only when there is adequate provision in the capital programme and with the agreement of the Section 151 Officer, where required.

To prepare and submit reports, jointly with the Section 151 Officer, to the Cabinet, of any variation in contract costs greater than the approved limits.

To prepare and submit reports, jointly with the Section 151 Officer, to the Cabinet, on completion of all contracts where the final expenditure exceeds the approved contract sum by more than the specified amount.

To ensure that credit arrangements, such as leasing agreements, are not entered into without the prior approval of the Section 151 Officer and, if applicable, approval of the scheme through the capital programme.

To consult with the Section 151 Officer where there is a proposal to borrow to fund a capital scheme so that the Section 151 Officer can check that this is prudent, sustainable and affordable.

	Capital £000	Revenue £000	Notes
Project actuals (25/05/21)	268		Total project spend to date.
Project commitments (25/05/21)	1201		Existing commitments including contract to replace berth, project management fees and marine licencing fees
Berth replacement contract - additional costs		261	Estimated additional contractual costs due to delay in delivering the contract to replace the berth.
EIA and Environmental Statement	68		Cost of developing Environmental Impact Assessment and preparing Environmental Statement for submission to the Local Planning Authority
Marine Management Organisation fees	10		Estimated additional marine Licencing fees
Project management support	25		Estimated cost of further Project Management Support due to increased contract duration
Berth outage costs		180	Estimated costs passed on by customer of additional cost of road haulage of aggregates. This may be subject to change.
Dredging	50		The cost of the required dredging is approx £50,000 based on volumetric calculation. It is proposed that this be funded via a contribution from the revenue dredging budget.
Legal fees		4	Estimated value of further legal input to the project
Installation of services to pontoon (not included in main contract)	55		This item includes modification and connection to services on quayside such as power and water. Also provision of Navigation/Safety aids.
Project Contingency (12% of works items)	201		12% contingency recalculated based on future commitments and original cost of capital works
Total estimated project cost	1877	445	Total estimated project cost - £2,322m
Less 2021/22 Budget	(1497)		
Further budget required	380	445	Estimated additional Capital and Revenue project costs
Additional Funding Required	825		Total estimated additional project cost (for which Cabinet Approval is sought)
Less contribution from Maritime 2021/22 revenue budget	(50)		Contribution to capital scheme budget from Maritime 2021/22 revenue budget
Less contribution from other 2021/22 maritime capital projects	(55)		Contribution of £30k and £25k from two other maritime capital projects
Remaining budget requirement	275	445	
Remaining budget requirement (total)	720		Source of funding as described within the Financial and Value for Money section of the Cabinet report

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**GENERAL EXCEPTION NOTICE - OF A DECISION TO
BE TAKEN BY AN INDIVIDUAL CABINET MEMBER**

In accordance with Regulation 9 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, notice is hereby given to the Chairman of the Overview and Scrutiny Panel of the intention to make a Key Decision where it is impractical to provide 28 clear days' notice in advance of the decision being taken.

This notification will be published at least 5 clear days before the decision is taken.

Tim Howes, Monitoring Officer, 01843 577007

Decision Maker:	<input type="text" value="Councillor Robert W Bayford"/>
Relevant Portfolio	<input type="text" value="Leader of the Council"/>
Expected Decision Date:	<input type="text" value="Friday, 23 August 2019"/>
Is the Decision Key?	<input type="text" value="Yes"/>
Summary of Expected Decision:	<input type="text" value="Purchase of the pontoon for Ramsgate Port."/>
Notice First Published:	<input type="text" value="16 August 2019"/>
Reason for urgency	<input type="text" value="This decision item could not be included in the Forward Plan in time as is required because the Council only became aware of an opportunity to purchase the pontoons at short notice."/> <input type="text" value="This decision will be exempt from Overview & Scrutiny Panel procedure Rules on call-in because the implementation of the project is time critical."/>
Anticipated restriction:	<input type="text" value="Open"/>
Author of Officer report	<input type="text" value="Gavin Waite"/>

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Implementation of the recommendations of the External Auditor and the Independent Monitoring Officer

Meetings	Council 30th March 2023
Report Authors	Chief Executive and the Leader
Portfolio Holder	Councillor Ash Ashbee
Status	For Noting
Classification:	Unrestricted
Key Decision	No
Ward:	All Wards

Executive Summary:

This report informs Members about progress on the implementation of the recommendations of the External Auditor in their report to the council issued under Section 24 of the Local Audit and Accountability Act 2014; and on the recommendations made in the report of the Independent Monitoring Officer.

Recommendation:

Full Council are asked to note the report.

Corporate Implications

Financial and Value for Money

There are no direct financial implications arising from the consideration and noting of this report.

The progress to date against the recommended actions has been delivered either within existing agreed resources or with the support of funding from the Local Government Association.

Legal

The Localism Act 2011 places a duty on the Council to promote and maintain high standards of conduct amongst Members and co-opted Members of the authority. The update within this report provides assurance to the authority, parish and town councils, and individual councillors that the IMO recommendations are complying with the requirements set out in the Localism Act 2011.

1.0 Report of the Leader and Chief Executive

1. The Council's External Auditors, Grant Thornton, issued a report under Section 24 of the Local Audit and Accountability Act 2014 on 12 October 2021.
2. That report made a number of recommendations, which were considered and approved by Council on 2 November 2021
3. One of the recommendations was that the Council should appoint an Independent Monitoring Officer (IMO), with a remit to investigate the issues raised by the External Auditor, and to look more broadly at the governance of the Council.
4. The IMO produced his report, which was considered by Council on 19th May 2022. The recommendations made by the IMO were approved by Council.
5. Subsequent to these decisions, a number of senior staff left the Council's service, including all of the Statutory Officers.
6. The Council has now appointed Chris Blundell as Director of Corporate Services and Section 151 Officer. Sameera Khan was appointed as the Interim Monitoring Officer on 18 July 2022, and is currently under contract with us until at least the end of July 2023. Colin Carmichael was appointed as Interim Chief Executive (and Head of the Paid Service) on 20th July, and is under contract until at least the end of July 2023.
7. As the Council's Statutory Officers, they have worked with the Service Directors (now Heads of Service) to form the Council's Corporate Management Team. One of the remits of the CMT has been to work with Councillors to implement the recommendations of the External Auditor and the IMO.
8. We do not propose to rehearse the details behind the reasons for the reports. Councillors will be very aware of those reasons, and have previously discussed them in detail.
9. The purpose of this report, therefore, is to set out (in Annexes 1 and 2) the specific recommendations made in each of the reports issued by Grant Thornton and the IMO, and to update Cabinet and Council on the progress that has been made. The Annexes are in the form of Action Plans which record the latest position on each recommendation
10. Councillors will see that the great majority of the recommendations have been either completed or nearly so. Those that have not been are longer term issues and are, in our opinion, for the next Council to take forward.
11. We have shared this report with Grant Thornton and with the IMO, who both confirm that, in their view, this gives an accurate representation of the progress made by the Council.
12. We will separately report to central Government to ensure that the Secretary of State is aware of this progress.
13. Council are asked to discuss and note the progress made on the recommendations they have previously approved

Contact Officer: Colin Carmichael, Interim Chief Executive

Annex List

Annex 1: IMO Action Plan

Annex 2: Section 24 Action Plan

Corporate Consultation

Finance: *(Chris Blundell, Acting Deputy Chief Executive & S151 Officer)*

Legal: *(Sameera Khan, Interim Head of Legal & Monitoring Officer)*

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IMO Action Plan

Objective		To capture actions required in response to the IMO recommendations				RAG: Key	
Lead Officer		Chief Executive	Colin Carmichael		Not started		
Lead Member		Leader of the Council	Cllr Ash Ashbee		In progress		
Project Team Members		Interim Monitoring Officer	Sameera Khan		Completed		
		S151 Officer	Chris Blundell				
		Director of Coms & HR	Hannah Thorpe				
NO	IMO Recommendations	Lead Officer	Actions	RAG	Timeframe		Progress
				STATUS	Start	Finish	
1	Appoint Interim Chief Executive	Leader	Completed		July 2022	July 2023	Interim CE commenced 20/07/2022
2	Review of the TDC Constitution						
2.1	<i>Review the member officer protocol to ensure/clarify/reinforce the need for sharing of information between officers and Cllrs and to engage councillors in the work of the authority. This should include clear guidance on the rights of access councillors have over and above members of the public</i>	Leader / Sameera			Sept 2022	TBC	Legal advice has been taken on reviewing the member officer protocol, and the recommendation is that we should instead review considerably more elements of the constitution. That will be carried out by the Constitutional Working Party beginning after the election
2.2	<i>To review the scheme of delegation to ensure that it is clear and easy to understand and also includes appropriate conditions requiring engagement of Cllrs in strategic and high-risk decisions.</i>	Leader / Sameera	1) Update 2019 Decision Making Presentation & present to Members Briefing session https://drive.google.com/file/d/1soQ0CpbUNzUVmiV-tj-mjQh70knzvJ8Qj/view 2) Review and amend the scheme of delegation to fit the new CMT Structure. 3) Review the Officer Decision Notices guidance to ensure it is still fit for purpose.		Sept 2022	TBC	Legal advice has been taken on reviewing the member officer protocol, and the recommendation is that we should instead review considerably more elements of the constitution. That will be carried out by the Constitutional Working Party beginning after the election
2.3	<i>Establish an Employment Committee to consider strategic Human Resources & OD matters.</i>	Leader / Colin	This is the role of the the established General Purposes Committee. 1) Review the GPC ToR to ensure that they cover Human Resources and Organisational Development matters are included		Sept 2022	23.02.23	
2.4	<i>Review the arrangements for handling Whistle-blower complaints to ensure that there is a robust and confidential system for handling such matters including a range of confidential channels via which such complaints may be submitted.</i>	Sameera / Chris	1) Review the Policies & obtain CMT sign off. 2) Take through Employee Council. 3) Take to GPC to be formally adopted.		May 2022	01.12.22	Approved and adopted with effect from the 1st December 2022 by General Purposes Committee 4th November 2022. https://democracy.thanet.gov.uk/ie/ListDocuments.aspx?Cid=327&MID=6359#AI41658
3	Restructure of Senior Management Team						

IMO Action Plan

Objective		To capture actions required in response to the IMO recommendations			RAG: Key		
Lead Officer		Chief Executive	Colin Carmichael		Not started		
Lead Member		Leader of the Council	Cllr Ash Ashbee		In progress		
Project Team Members		Interim Monitoring Officer	Sameera Khan		Completed		
		S151 Officer	Chris Blundell				
		Director of Coms & HR	Hannah Thorpe				
NO	IMO Recommendations	Lead Officer	Actions	RAG	Timeframe		Progress
				STATUS	Start	Finish	
3.1	<i>CMT to be restructured with a view to creating at least one additional Corporate Director role to include responsibility for HR.</i>	Leader / Colin	1) Prepare new structure. 2) Internal consultation. 3) GPC approval for new CMT structure 4) Recruit to new structure		Sept 2022	Dec 2022	New structure agreed and adopted by General Purposes Committee 24 January 2023. Recruitment underway. https://democracy.thanet.gov.uk/documents/g6392/Public%20reports%20pack%2024th-Jan-2023%2015.30%20General%20Purposes%20Committee.pdf?T=10
3.2	<i>Develop a wider management group/ forum with a view to promoting levels of transparency and communication between all tiers.</i>	Leader / Colin	1) Managers forum protocol - set up as a standing group - monthly meeting regular updated from CMT. 2) Staff briefings every months.		Sept 2022	Oct 2022	Managers Forum Terms of Reference have been updated and regular meetings are in diaries.
3.3	<i>Review the existing arrangements in place to manage the potential conflict of interest arising from the close personal relationship between the CEO and Director of Operations. The arrangements should be demonstrably transparent to provide assurance that relevant decision making is handled independently</i>	Leader / Colin	Action discharged following the exit of the CX from the Council		N/A	June 2022	Completed
4	<i>Development Work for Member Officer Relationships</i>						
4.1	<i>LGA or other body to lead development work – team building and developing understanding of the different roles and responsibilities of officers and Cllrs. A particular focus on officers understanding the responsibilities of Cllrs for the overall running of the council and their public facing role.</i>	LGA & Leader	Expect the LGA to Lead this work: 1) Develop a training programme ready for roll out after the May 2023 Elections. 2) Seek confirmation who is paying for the commissioned work.		Nov 2023	June 2023	The LGA are lined up to support this work after the newly elected Council has been appointed in May.

IMO Action Plan

Objective		To capture actions required in response to the IMO recommendations				RAG: Key	
Lead Officer		Chief Executive	Colin Carmichael		Not started		
Lead Member		Leader of the Council	Cllr Ash Ashbee		In progress		
Project Team Members		Interim Monitoring Officer	Sameera Khan		Completed		
		S151 Officer	Chris Blundell				
		Director of Coms & HR	Hannah Thorpe				
NO	IMO Recommendations	Lead Officer	Actions	RAG STATUS	Timeframe Start Finish		Progress
4.2	<i>Improve responsiveness to information requests from councillors to officers and put in place mechanisms which will ensure that key information about TDC decisions and activities affecting local wards is disseminated to relevant ward councillors.</i>	Hannah / Sameera	1) Implement CE briefings to Councillors. 2) Continue with the Councillor Newsletter (In The Loop) 3) Continue with the Cabinet Portfolio Holder meetings, Shadow Cabinet Portfolio Holder meetings and the All Member briefing sessions.		June 2022	Oct 2022	1) New weekly Councillor email from Chief Executive. Started w/c 22 August 2022. 2) Continuing to issue 'In the Loop' Councillor Newsletter. 3) Continuing with the Cabinet Portfolio Holder meetings, Shadow Cabinet Portfolio Holder meetings and the All Member briefing sessions.
4.3	<i>Ensure that all Senior Councillors are briefed on the contents of all reports produced in the context of the CMT dispute in order that they have parity of access and understanding.</i>	Sameera	Collate the reports ready for circulation.		Sept 2022	Oct 2022	So far as we are aware all Senior Councillors are aware of the issues. Should any other Senior Councillors wish to be briefed they should contact the Chief Executive.
5	<i>Coaching/ Mentoring Programme for CEO and Directors</i>						
5.1	<i>CEO to enter into formal coaching/mentoring arrangements.</i>	External Provider	Action discharged following the exit of the CX from the Council		N/A	June 2022	Completed
5.2	<i>CMT to undertake team building</i>	Colin	1) Confirm budget available 2) CE to approach LGA in relation to their agreement to contribute towards the costs 3) Source external facilitator to support the workstream 4) Deliver the Team Building		Aug 2022	TBC	This has commenced with one session already held 26.1.23 and a further two dates currently being scheduled.
6	<i>Introduction of Regular Staff Survey and other staff feedback forums</i>						
6.1	<i>Introduction of Regular Staff Survey and other staff feedback forums</i>	Hannah	1) Refresh the People Strategy. 2) Review and implement processes for staff engagement. 3) Write and implement a Staff Engagement Strategy		July 2022	TBC	Regular fortnightly briefings are sent out to all staff from the Chief Executive. There have been two staff surveys in June and December 2022.
6.2	<i>Information on staffing including turnover/sickness absence/settlement agreements/ ET's etc. regularly reported to CMT and to employment committee.</i>	Hannah	Present regular reports to CMT		July 2022	Oct 2022	Regularly reported to CMT and due to go to General Purposes Committee.

IMO Action Plan

Objective		To capture actions required in response to the IMO recommendations				RAG: Key	
Lead Officer		Chief Executive	Colin Carmichael			Not started	
Lead Member		Leader of the Council	Cllr Ash Ashbee			In progress	
Project Team Members		Interim Monitoring Officer	Sameera Khan			Completed	
		S151 Officer	Chris Blundell				
		Director of Coms & HR	Hannah Thorpe				
NO	IMO Recommendations	Lead Officer	Actions	RAG STATUS	Timeframe Start Finish		Progress
7	<i>Review of the HR resource within TDC to ensure that it is sufficient to meet the needs of the council in respect of HR case work and organisational development.</i>						
7.1	<i>Review of the HR resource within TDC to ensure that it is sufficient to meet the needs of the council in respect of HR case work and organisational development.</i>	Colin	1) Incorporate as part of the CMT restructure under 3.1 2) Look at as part of the 23/24 budget build		Oct 2022	Dec 2022	HR Resources dealt with as part of the budget review and following the restructure the status of the HR Manager has changed to Head of Service.
7.2	<i>Development and implement a framework of values and behaviours for staff with a view to promoting improved staff management and working environment.</i>	Colin / Hannah	To be picked up as part of the refreshed People Strategy. 1) Review the Organisational Vision and Values. 2) Refresh of the monthly Managers Forum to focus more on practical management guidance, training and support.		Aug 2022	TBC	To be delivered when appointments have been made to all posts in the senior structure.
8	<i>Undertake an independent review/audit of the Berth 4/5 project from its inception to the present day with a view to identifying the causes for of delay and cost overruns which have beset the project including the project governance. The results to assist in identifying lessons for the future management of large projects.</i>						
8.1	Initial engagement with GT to establish whether the review can be undertaken within the T&Cs of the existing audit contract or if a separate procurement exercise needs to be undertaken.	Chris	1) Obtain agreement with Quentin Baker regarding the appropriate body to commission and the process that should be followed 2) Instruct Internal Audit to undertake the review. (The key objective is to provide Thanet with some assurance and some learning/improvement actions.)		Sep 2022	Mar 2023	Report to Cabinet 21.03.23 and Council 30.03.23
9	<i>Establish an Independent Assurance/Assistance Panel</i>						

IMO Action Plan									
Objective		To capture actions required in response to the IMO recommendations					RAG: Key		
Lead Officer		Chief Executive	Colin Carmichael				Not started		
Lead Member		Leader of the Council	Cllr Ash Ashbee				In progress		
Project Team Members		Interim Monitoring Officer	Sameera Khan				Completed		
		S151 Officer	Chris Blundell						
		Director of Coms & HR	Hannah Thorpe						
NO	IMO Recommendations	Lead Officer	Actions	RAG	Timeframe		Progress		
				STATUS	Start	Finish			
9.1	<i>The panel to comprise independent S.151, MO and HOPS to oversee the swift implementation of the above actions and to act as a source of independent support/advice during the recovery phase.</i>	Leader / LGA	Discuss with Grant Thornton as to whether this recommendation still needs to be implemented following the departure of the CX.			Jan 2023	Completed - all statutory officers have been replaced and we believe that there is, therefore, no need for an independent panel.		
End									

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Statutory Recommendations Action Plan

Objective		To capture actions required in response to the Section 24 Audit recommendations				RAG: Key	
Lead Officer		Chief Executive	Colin Carmichael				Not started
Lead Member		Leader of the Council	Cllr Ash Ashbee				In progress
Project Team Members		Interim Monitoring Officer	Sameera Khan				Completed
		S151 Officer	Chris Blundell				
		Independent Monitoring Officer (IMO)	Quentin Baker				
NO	Auditor Recommendation	Responsible Officer	Actions	RAG	Timeframe		Progress
					Start	Finish	
1	Improving Governance	CE/Leader					
1.1	<i>Commission an experienced, independent Monitoring Officer from a large local authority to report to the General Purposes Committee on:</i>	CE/Leader	Develop a brief and approach the LGA for suitable candidates		Oct 2021	Nov 2021	Independent Monitoring Officer recruited.
1.1.1		TDC Deputy MO	Timetable a meeting schedule for GPC meetings		02/12/2021	June 2022	Meetings scheduled to enable a set reporting process for IMO.
1.2	<i>A risk assessment of the current employment tribunal claims and propose actions which safeguard the Council's best interest including a detailed financial analysis of the options available to the Council.</i>	IMO/S151	Report to GPC Continue to assess as part of the year-end closure of accounts process.		02/12/2021		A provision for expected costs associated with the disciplinary and legal proceedings was included in the 2020/21 statement of accounts, based on a risk informed assesment of probable costs. Cabinet were also updated in June 2021 as part of report https://democracy.thanet.gov.uk/documents/s72593/Cost%20and%20Financing%20of%20Disciplinary%20and%20Grievances%20Matters%20-%20Cab%208%20June%202021%20-%20Google%20Docs.pdf The adequacy of this provision will be periodically reviewed by the s151 as part of the production of the council's accounts and subsequently subject to audit by the council's external audit.
1.3	<i>An assessment of the status of all outstanding grievances, alleged whistleblowing complaints and any continuing suspensions and propose a plan of action to address them.</i>	IMO	Report to GPC				Reported to GPC in 2022.
1.4	<i>A lessons learnt report collating themes and recommendations from all externally commissioned reports and any other appropriate evidence</i>	IMO	Report to GPC; regular updates to full Council at various stages			June 2022	Discharged by IMO Report.
2	Improving Governance	CE/Leader					

Statutory Recommendations Action Plan

Objective		To capture actions required in response to the Section 24 Audit recommendations				RAG: Key	
Lead Officer		Chief Executive	Colin Carmichael				Not started
Lead Member		Leader of the Council	CLlr Ash Ashbee				In progress
Project Team Members		Interim Monitoring Officer	Sameera Khan				Completed
		S151 Officer	Chris Blundell				
		Independent Monitoring Officer (IMO)	Quentin Baker				
NO	Auditor Recommendation	Responsible Officer	Actions	RAG	Timeframe		Progress
					Start	Finish	
2.1	<i>Bring the current IDSC process to a conclusion with clear actions that are reported and action monitored</i>	Chair of the IDSC	A conclusions report is submitted to GPC			05/04/2022	Concluded at Council 05.04.22 https://democracy.thanet.gov.uk/ieListDocuments.aspx?CId=141&MId=6254&Ver=4
3	Improving Governance	CE/Leader					
3.1	<i>Agree an approach where the Council demonstrates that it is responding to the substance of concerns raised including a clear agreement on where Officer and Member responsibilities lie.</i>	IMO/CE/Leader/TDC Interim Monitoring Officer	1) Report back to GPC and onto Full Council. Members and Officers are clear around their respective responsibilities. 2) This will form part of the work on reviewing the constitution at 2.1 of the IMO action plan 2.2 and 2.3.		Sept 2022	TBC	Legal advice has been taken on reviewing the member officer protocol, and the recommendation is that we should instead review considerably more elements of the constitution. That will be carried out by the Constitutional Working Party beginning after the election
3.2	<u>Vision & Principles</u>	CE	1) Develop a Vision and Set of Principles.		Feb 2020	Sept 2020	Vision and Principles adopted.
3.3	Review Whistleblowing Policy	CE; HR Manager	1) Review Whistleblowing Policy. 2) Consult with Unions & Employee Council. 3) Take to GPC for approval.		May 2022	1.12.22	General Purposes Committee 4.11.22 - Policies agreed and adopted with effect from the 1.12.22 https://democracy.thanet.gov.uk/documents/g6359/Public%20reports%20pack%204th-Nov-2022%2012.00%20General%20Purposes%20Committee.pdf?T=10
3.4	Review Disciplinary Policy & Procedure	CE; HR Manager	1) Review Disciplinary Policy & Procedure. 2) Consult with Unions & Employee Council. 3) Take to GPC for approval.		May 2022	1.12.22	General Purposes Committee 4.11.22 - Policies agreed and adopted with effect from the 1.12.22 https://democracy.thanet.gov.uk/documents/g6359/Public%20reports%20pack%204th-Nov-2022%2012.00%20General%20Purposes%20Committee.pdf?T=10

Statutory Recommendations Action Plan

Objective		To capture actions required in response to the Section 24 Audit recommendations				RAG: Key	
Lead Officer		Chief Executive	Colin Carmichael				Not started
Lead Member		Leader of the Council	Cllr Ash Ashbee				In progress
Project Team Members		Interim Monitoring Officer	Sameera Khan				Completed
		S151 Officer	Chris Blundell				
		Independent Monitoring Officer (IMO)	Quentin Baker				
NO	Auditor Recommendation	Responsible Officer	Actions	RAG	Timeframe		Progress
					Start	Finish	
3.5	Review Grievance Policy and Procedure	CE; HR Manager	1) Review Grievance Policy & Procedure. 2) Consult with Unions & Employee Council. 3) Take to GPC for approval.		May 2022	1.12.22	General Purposes Committee 4.11.22 - Policies agreed and adopted with effect from the 1.12.22 https://democracy.thanet.gov.uk/documents/g6359/Public%20reports%20pack%2004th-Nov-2022%2012.00%20General%20Purposes%20Committee.pdf?T=10
3.6	Grievance Policy stat officers	CE/TDC Deputy Monitoring Officer	Process agreed and adopted.		Feb 2021	Oct 2022	Process agreed and adopted.
3.7	Review the council's Behaviours Framework	CE; HR Manager	1) Review the Behaviours Framework comprising expected behaviours/competencies within each service area. 2) Develop brief Staff Charter summarising key points/expectations between employer/employee		Aug 2022	TBC	Being picked up through the development of the people strategy. To be delivered when the corporate restructure is in place.
3.8	Ensure Staff and Members are appropriately supported with regular training and awareness on TDC policies.	CE; HR Manager	1) Undertake skills gap analysis; 2) Development and coaching for staff and members; 3) Introduce monthly Development time (some compulsory); 4) Identify core list of training; 5) Link e-learning to our relevant policies		TBC	TBC	Regular training on policies will commence for staff once all appointments are made to the senior management structure and, for Councillors, after the election
3.9	Members have the appropriate training and awareness on a regular basis.	Interim Monitoring Officer	1) Refresh the existing training programme for Members and identify mandatory and optional training. For Example: Equality/GDPR/Constitution and the way the Council works/Training for Licensing and Planning Committees.		Jun 2023	TBC	Preparation work taking place. However, the actual training will take place after the May 2023 Local Elections.
4	Financial Sustainability	S151 / Cabinet Portfolio Holder Finance					

Statutory Recommendations Action Plan

Objective		To capture actions required in response to the Section 24 Audit recommendations				RAG: Key	
Lead Officer		Chief Executive	Colin Carmichael			Not started	
Lead Member		Leader of the Council	CLlr Ash Ashbee			In progress	
Project Team Members		Interim Monitoring Officer	Sameera Khan			Completed	
		S151 Officer	Chris Blundell				
		Independent Monitoring Officer (IMO)	Quentin Baker				
NO	Auditor Recommendation	Responsible Officer	Actions	RAG	Timeframe		Progress
					Start	Finish	
4.1		S151	Directors to review budgets to identify savings.		October 2021	October 2021	Process completed as part of the budget setting process for 2022/23
4.2	<i>Revisit the financial plans and identify additional savings plans to address the further cost pressures created in resolving the grievances and whistleblowing complaints</i>	S151	Finalise the 2022-23 Budget and 2022-2026 Medium Term Financial Strategy (MTFS)		Sept 2021	February 2022	The 2022-23 Budget Strategy was approved by Cabinet on 18 November 2021, within this was a proposal to make a £180,000 contribution to reserves over the life of the MTFS in order to restate the reserves that were used to fund the cost pressures.
End							

CHANGES TO COMMITTEES, PANELS AND BOARDS - 2022/23

Full Council	30 March 2023
Report Author	Committee Services Manager
Status	For Decision
Classification:	Unrestricted
Key Decision:	No
Ward:	All Wards

Executive Summary:

The report allows Council to agree on the number and size of the Committees, Panels and Boards for the remainder of the municipal year and then subsequently the proportionality of the Council as a result of Cllr Hart joining the Thanet Independent Group.

Recommendation(s):

Corporate Implications

Financial and Value for Money

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

Legal

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

Risk Management

There are no Corporate risks identified within this report.

Corporate

There are no direct Corporate Implications

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the

decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

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

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

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 The report allows Council to agree on the number and size of the Committees, Panels and Boards for the remainder of the municipal year and then subsequently the proportionality of the Council as a result of Cllr Hart.

2.0 Political Balance

2.1 The current political balance of the Council after changes outlined in the paragraph above is shown in the table below:

Table 1

Political Group	No. of Cllrs	No. of Cllr after changes
Conservative	25	25
Labour	15	15
Green and Independent Group	6	6
Thanet Independent Group	6	7
Independent (not in a group)	4	3

3.0 Political Proportionality

3.1 The Local Government and Housing Act 1989 requires the Council to allocate seats on committees to political Groups in accordance with the size of each group on the

Council as a whole and in accordance with the following principles which should be observed as far as is reasonably practicable:

- a) That not all seats on the same committee are allocated to the same political group;
- b) That the majority of the seats on a committee are allocated to a particular political group if the number of persons belonging to that group is a majority of the Council's membership;
- c) That, subject to a) and b) above, the number of seats on committees allocated to each political group bears the same proportion of the total of all the seats on committees;
- d) That, subject to a), b) and c) above, the number of seats on a committee allocated to each political group bears the same proportion to the number of all seats on that committee.

3.2 For the purposes of political balance a Group is required to have at least two members and to have been formally constituted as a political group before the meeting.

3.3 Consensus has not been reached on a single option to achieve proportionality amongst Group Leaders, therefore Council will have to choose an option to achieve proportionality. The application of political proportionality to the Committee Structure will result in the following seats for individual groups:

3.4 Option 1

Table 2

Committees	Total	Conservative Group	Labour Group	Thanet Independents	Greens & Ind.
Planning Committee	16	7	5	2	2
Licensing Board	14	7	3	2	2
Overview and Scrutiny Panel	15	7	4	2	2
Gov. and Audit	13	6	4	1	2
General Purposes	12	6	4	1	1
B&EA Working Party	6	3	2	1	0
Disciplinary & Grievance Committee	6	3	2	1	0

D&G Appeals Committee	3	1	1	1	0
CRWP	6	3	1	1	1
Appointments Panel	3	1	1	0	1
Totals	94	44	27	12	11

3.5 Opton 2

Committees	Total	Conservative Group	Labour Group	Thanet Independents	Greens & Ind.
Planning Committee	16	8	5	1	2
Licensing Board	14	7	3	2	2
Overview and Scrutiny Panel	15	7	4	2	2
Gov. and Audit	14	6	4	2	2
General Purposes	12	6	4	1	1
B&EA Working Party	6	3	2	1	0
Disciplinary & Grievance Committee	6	3	2	1	0
D&G Appeals Committee	3	1	1	1	0
CRWP	6	3	1	1	1
Appointments Panel	3	1	1	0	1
Totals	94	44	27	12	11

3.5.1 The overall political balance calculations for the two proposals shown above are available at Annex 1 and 2 of the report.

3.6 Option 3

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

3.7 Recommendation

That Council agrees an option shown in paragraphs 3.4 to 3.6 that achieves proportionality.

4.0 Nominations of Members to serve on Committees

- 4.1 Members are reminded that Section 16 of the Local Government and Housing Act 1989 states that where the Council has determined the allocation to different groups of the seats to which the Act applies, it shall be the duty of the authority to give effect to a Group's wishes about who is to be appointed to the seats that they have been allocated.
- 4.2 Therefore the corresponding amendments to group nominations in accordance with the chosen proportionality option must also be made.

4.3 Recommendation

To note the corresponding changes to group nominations to Committees, Panels and Boards for the remainder of 2021/22. (The names of those Councillors so nominated will be presented at the meeting)

Contact Officer: Nicholas Hughes (Committee Services Manager)

Reporting to: Sameera Khan (Interim Head of Legal & Monitoring Officer)

Annex List

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

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

Background Papers

None

Corporate Consultation

Finance: Chris Blundell, Head of Financial Services

Legal: Sameera Khan, Interim Head of Legal

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Option 1	Members	Conservative	Labour	TIC	Green	Non group
Overall Council	56	25	15	7	6	3
Groups only	53	25	15	7	6	check
Under s15 LGHA 1989 proportionality	100.00%	47.17%	28.30%	13.21%	11.32%	100.00%
Applies in full	Members	Conservative	Labour	Thanet Ind	Green & Ind.	Check
Planning Committee	16	7	5	2	2	
	100.00%	43.75%	31.25%	6.25%	12.50%	100.00%
Licensing Board	14	7	3	2	2	
	100.00%	50.00%	21.43%	14.29%	14.29%	100.00%
Overview and Scrutiny Panel	15	7	4	2	2	
	100.00%	46.67%	26.67%	13.33%	13.33%	100.00%
Governance & Audit	13	6	4	1	2	
	100.00%	46.15%	30.77%	7.69%	15.38%	100.00%
General Purposes	12	6	4	1	1	
	100.00%	50.00%	33.33%	8.33%	8.33%	100.00%
BEAWP	6	3	2	1	0	
	100.00%	50.00%	33.33%	16.67%	0.00%	100.00%
D&G Committee	6	3	2	1	0	
	100.00%	50.00%	33.33%	16.67%	0.00%	100.00%
D&G Appeals Committee	3	1	1	1	0	
	100.00%	33.33%	33.33%	33.33%	0.00%	100.00%
CRWP	6	3	1	1	1	
	100.00%	50.00%	16.67%	16.67%	16.67%	100.00%
Appointments Panel	3	1	1	0	1	
	100.00%	33.33%	33.33%	0.00%	33.33%	100.00%
Totals allocated	94	44	27	12	11	
	100.00%	46.81%	28.72%	12.77%	11.70%	100.00%
Totals entitlement	94	44.34	26.60	12.42	10.64	94.00
Difference from entitlement no.	0	-0.34	0.40	-0.42	0.36	0.00
Difference from entitlement %		-0.3613	0.4215	-0.4416	0.3814	

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Annex 1

Option 2	Members	Conservative	Labour	TIC	Green	Non group
Overall Council	56	25	15	7	6	3
Groups only	53	25	15	7	6	check
Under s15 LGHA 1989 proportionality	100.00%	47.17%	28.30%	13.21%	11.32%	100.00%
Applies in full	Members	Conservative	Labour	Thanet Ind	Green & Ind.	Check
Planning Committee	15	7	5	2	2	
	100.00%	46.67%	33.33%	6.67%	13.33%	100.00%
Licensing Board	14	7	3	2	2	
	100.00%	50.00%	21.43%	14.29%	14.29%	100.00%
Overview and Scrutiny Panel	15	7	4	2	2	
	100.00%	46.67%	26.67%	13.33%	13.33%	100.00%
Governance & Audit	14	6	4	2	2	
	100.00%	42.86%	28.57%	14.29%	14.29%	100.00%
General Purposes	12	6	4	1	1	
	100.00%	50.00%	33.33%	8.33%	8.33%	100.00%
BEAWP	6	3	2	1	0	
	100.00%	50.00%	33.33%	16.67%	0.00%	100.00%
D&G Committee	6	3	2	1	0	
	100.00%	50.00%	33.33%	16.67%	0.00%	100.00%
D&G Appeals Committee	3	1	1	1	0	
	100.00%	33.33%	33.33%	33.33%	0.00%	100.00%
CRWP	6	3	1	1	1	
	100.00%	50.00%	16.67%	16.67%	16.67%	100.00%
Appointments Panel	3	1	1	0	1	
	100.00%	33.33%	33.33%	0.00%	33.33%	100.00%
Totals allocated	94	44	27	12	11	
	100.00%	46.81%	28.72%	12.77%	11.70%	100.00%
Totals entitlement	94	44.34	26.60	12.42	10.64	94.00
Difference from entitlement no.	0	-0.34	0.40	-0.42	0.36	0.00
Difference from entitlement %		-0.3613	0.4215	-0.4416	0.3814	

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Annex 2