

MEETING OF THE COUNCIL



Thursday, 13th July, 2023

7.00 pm

**Council Chamber
Thanet District Council
Margate**

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



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Date: **3 July 2023**
Ask For: Gabriella Stewart
Direct Dial: **(01843) 577207**
Email: **gabriella.stewart@thanet.gov.uk**



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, 13 July 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 18 May 2023, 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

6. **QUESTIONS FROM THE PRESS AND PUBLIC** (Pages 19 - 20)

To receive questions received from the press or public in accordance with Council Procedure Rule 13.
7. **QUESTIONS FROM MEMBERS OF THE COUNCIL** (Pages 21 - 24)

To receive questions from Members of the Council in accordance with Council Procedure Rule 14.
8. **NOTICE OF MOTION**

To receive any Notices of Motion from Members of Council in accordance with the Council Procedure Rule 3.
- 8a **MOTION REGARDING PAUSING NEW PLANNING PERMISSIONS FOR MAJOR APPLICATIONS** (Pages 25 - 28)
9. **LEADERS REPORT** (Pages 29 - 30)

To receive a report from the Leader of the Council in accordance with Council Procedure Rule 2.4.
10. **REPORT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY PANEL**
(Pages 31 - 36)
11. **APPOINTMENT OF MONITORING OFFICER** (Pages 37 - 40)
12. **APPOINTMENT OF HEAD OF PAID SERVICE** (Pages 41 - 44)
13. **AFFORDABLE HOUSING** (Pages 45 - 58)
14. **ALLOWANCES REPORT - RECOMMENDATIONS FROM EKJIRP** (Pages 59 - 72)
15. **REPRESENTATION ON NON-EXECUTIVE OUTSIDE BODIES** (Pages 73 - 76)
16. **EXCLUSION OF PUBLIC AND PRESS** (Pages 77 - 82)
17. **MEDIATION PAYMENT FOR A FORMER EMPLOYEE** (Pages 83 - 88)

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COUNCIL

Minutes of the meeting held on 18 May 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Edwards; Councillors Albon, Ara, Austin, Bambridge, Barlow, J Bayford, Boyd,, Braidwood, J. Bright, K. Bright, Britcher, Crittenden, Currie, d'Abbro, Davis, Dawson, Dennis, Donaldson, Driver, Duckworth, Everitt, Farooki, Fellows, Garner, D Green, Huxley, Keen, Kup, Makinson, Manners, Matterface, Pat Moore, Paul Moore, Munns, Nichols, Anne-Marie Nixey, Ovenden, Owen-Hughes, Packman, Pope, Pressland, Rattigan, Rogers, Rusiecki, H. Scobie, W Scobie, Scott, Smith, Towning, Whitehead, Wing, Worrow, Wright and Yates

1. **ELECTION OF THE CHAIR**

Councillor Kup proposed and Councillor Fellows seconded that Councillor Paul Moore be Chair.

Councillor Everitt proposed and Councillor Albon seconded that Councillor Edwards be Chair.

Following a vote, Councillor Edwards was declared elected as Chair of Council for the 2023/24 municipal year.

There was a short recess, during which the new Chair of the Council was invested with the Chain and Badge of Office.

Following this recess, Councillor Edwards made the statutory declaration of acceptance of office of Chair of the Council. Councillor Edwards gave thanks for his election, and formalised Mrs Edwards as his escort.

2. **ELECTION OF THE VICE-CHAIR**

Councillor Everitt proposed and Councillor Albon seconded that Councillor Owen-Hughes be Vice-Chair.

Councillor Kup proposed that Councillor Paul Moore be Vice-Chair.

Following a vote, Councillor Owen-Hughes was declared elected as Vice-Chair of the Council for the 2023/24 municipal year.

Councillor Owen-Hughes made the statutory declaration of acceptance of office of Vice-Chair of Council; she offered thanks for her election.

3. **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillor Pugh.

4. ANNOUNCEMENTS

The Chair announced that former Councillor Peter Osborne had recently passed away. Members paused for a minute’s silence in respect of Councillor Osborne.

Former Chair of the Council, Councillor Savage received his past Chair’s badge, and gave words of thanks.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. MINUTES OF THE PREVIOUS MEETING

It was proposed by the Chair, seconded by the Vice-Chair and agreed that the minutes of the Council meeting held on 30 March 2023 be approved and signed by the Chair.

7. ELECTION OF LEADER OF THE COUNCIL

The Chair called for nominations for the Leader of Council and two nominations were received:

It was proposed by Councillor Whitehead and seconded by Councillor Albon that Councillor Everitt be elected Leader of the Council until the Annual meeting of Council in May 2027.

It was proposed by Councillor Kup and seconded by Councillor Fellows that Councillor Pugh be elected Leader of the Council until the Annual meeting of Council in May 2027.

Upon being put to the vote, Councillor Everitt was elected Leader of the Council until the Annual meeting of Council in May 2027.

8. APPOINTMENT OF DEPUTY LEADER OF THE COUNCIL

The Leader announced his appointment of Councillor Whitehead as Deputy Leader of the Council until the Annual meeting of Council in May 2027.

9. RESPONSIBILITY FOR FUNCTIONS - EXECUTIVE DECISIONS

Council was informed of the Cabinet portfolios, Cabinet portfolio holders and Shadow Cabinet portfolio holders for the 2023/24 municipal year as follows:

Name of Cabinet Portfolio	Cabinet Portfolio Holder	Shadow Cabinet Portfolio Holder
Leader of the Council and Cabinet	Councillor	Councillor Pugh

Member for Strategy and Transformation	Everitt	
Deputy Leader* and Cabinet Member for Housing	Councillor Whitehead	Councillor Bayford
Cabinet Member for Regeneration and Property	Councillor Duckworth	Councillor Kup*
Cabinet Member for Neighbourhoods	Councillor Keen	Councillor Bambridge
Cabinet Member for Corporate Services	Councillor Yates	Councillor Rattigan
Cabinet Member for Cleansing and Coastal Services	Councillor Albon	Councillor Rogers

*Councillor Kup is the Shadow Deputy Leader

10. COMPOSITION OF COMMITTEES, PANELS AND BOARDS 2023/24

NUMBER AND SIZE OF COMMITTEES

It was proposed by the Chair, seconded by the Vice-Chair and Members agreed that number of committees and the number of Members to serve on those committees be as shown in the table below:

Committee	Number of Members
Planning Committee	15
Licensing Board	15
Overview and Scrutiny Panel	15
Governance and Audit Committee	15
General Purposes Committee	15
Boundary and Electoral Arrangements Working Party	5
Constitutional Review Working Party	5 (+2 independent)
Disciplinary and Grievance Committee	5
Disciplinary and Grievance Appeals Committee	5
Appointments Committee	3
Joint Transportation Board	7 (+1 parish)
Standards Committee	7 (+4 independent, +3 parish)

PROPORTIONALITY

It was proposed by the Chair, seconded by the Vice-Chair and Members agreed the proportionality between groups for committees, panels and boards for 2023/24 as shown in tables 3, 4, 5 and 6 of the report be adopted.

APPOINTMENT OF INDEPENDENT MEMBER OF THE STANDARDS COMMITTEE

It was proposed by the Chair, seconded by the Vice-Chair and Members Agreed the appointment of Mr Peter Lorenzo as an independent member of the Standards Committee, with a term of office expiring at the Annual Council meeting of May 2027.

NOMINATION OF MEMBERS TO SERVE ON COMMITTEES

The nominations of Members to serve on committees were as follows:

Planning Committee

Labour		Conservatives		Green and Ind		Thanet Ind	
1	Cllr Helen Crittenden	1	Cllr Paul Moore	1	Cllr Mike Garner	1	Cllr John Dennis
2	Cllr Joanne Bright	2	Cllr George Rusiecki	2	Cllr Rebecca Wing		
3	Cllr Steve Albon	3	Cllr Marc Rattigan				
4	Cllr Heather Keen	4	Cllr Jill Bayford				
5	Cllr Jim Driver						
6	Cllr Jenny Matterface						
7	Cllr Pat Makinson						
8	Cllr Martin Boyd						

Planning Committee (*pool of substitute Members*)

Labour		Conservatives		Green and Ind		Thanet Ind	
1	Cllr Elysa d'Abbro	1	Cllr Matthew Scott	1	Cllr Tricia Austin	1	Cllr Bertie Braidwood
2	Cllr Helen Whitehead	2	Cllr Linda Wright	2	Cllr Kevin Pressland		

3	Cllr Leo Britcher	3	Cllr Cedric Towning		
4	Cllr Corinna Huxley	4	Vacant		
5	Cllr Rick Everitt				
6	Vacant				
7	Vacant				
8	Vacant				

Licensing Committee

Labour		Conservatives		Green and Ind		Thanet Ind	
1	Cllr Alan Currie	1	Cllr Brenda Rogers	1	Cllr Rebecca Wing	1	Cllr John Dennis
2	Cllr Corinna Huxley	2	Cllr Sam Bambridge				
3	Cllr Harry Scobie	3	Cllr Linda Wright				
4	Cllr Raushan Ara	4	Cllr Cedric Towning				
5	Cllr Debra Owen-Hughes	5	Cllr Barry Manners				
6	Cllr Pat Makinson						
7	Cllr Jim Driver						
8	Cllr Pat Moore						

Overview and Scrutiny Panel

Labour		Conservatives		Green and Ind		Thanet Ind	
1	Cllr David Green	1	Cllr Phil Fellows	1	Cllr Tricia Austin	1	Cllr John Worrow

2	Cllr Roopa Farooki	2	Cllr George Kup	2	Cllr Rebecca Wing	
3	Cllr Alan Currie	3	Cllr Paul Moore			
4	Cllr Jack Packman	4	Cllr John Davis			
5	Cllr Katie Pope					
6	Cllr Kristian Bright					
7	Cllr Leo Britcher					
8	Cllr Elysa d'Abbro					

Government and Audit

Labour		Conservatives		Green and Ind		Thanet Ind	
1	Cllr Will Scobie	1	Cllr Cedric Towing	1	Cllr Mike Garner	1	Cllr Bertie Braidwood
2	Cllr Kristian Bright	2	Cllr Barry Manners	2	Cllr Alan Munns		
3	Cllr Ruth Duckworth	3	Cllr John Nichols				
4	Cllr Jack Packman	4	Cllr Abi-Leigh Barlow				
5	Cllr David Donaldson						
6	Cllr Elysa d'Abbro						
7	Cllr Katie Pope						
8	Cllr Roopa Farooki						

Government and Audit *(pool of substitute Members)*

Labour		Conservatives		Green and Ind		Thanet Ind	
1	Cllr Jenny Matterface	1	Cllr John Davis	1	Cllr Tricia Austin	1	Councillor John Worrow
2	Cllr Leo Britcher	2	Cllr George Kup	2	Cllr Rebecca Wing		
3	Cllr Helen Whitehead	3	Cllr Reece Pugh				
4		4	Cllr Linda Wright				
5							
6							
7							
8							

General Purposes

Labour		Conservatives		Green and Ind		Thanet Ind	
1	Cllr Harry Scobie	1	Cllr Emma Dawson	1	Cllr Mike Garner	1	Councillor John Worrow
2	Cllr Rick Everitt	2	Cllr John Davis	2	Cllr Tricia Austin		
3	Cllr Steve Albon	3	Cllr John Nichols				
4	Cllr Helen Whitehead	4	Cllr Linda Wright				
5	Cllr Tony Oviden						
6	Cllr Ruth Duckworth						
7	Cllr Corinna Huxley						

8	Cllr David Donaldson			
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General Purposes (*pool of substitute Members*)

Labour		Conservatives		Green and Ind		Thanet Ind	
1	Cllr Jenny Matterface	1	Cllr Jill Bayford	1	Cllr Rebecca Wing	1	Councillor Bertie Braidwood
2	Cllr Rob Yates	2	Cllr Barry Manners	2	Vacant		
3	Cllr David Green	3	Cllr George Rusiecki				
4	Cllr Helen Crittenden	4	Vacant				
5	Cllr Pat Moore						
6	Vacant						
7	Vacant						
8	Vacant						

Boundaries and Electoral Arrangements Working Party

Labour		Conservatives		Green and Ind		Thanet Ind	
1	Cllr Will Scobie	1	Cllr George Kup				
2	Cllr David Green	2	Cllr Linda Wright				
3	Cllr Jack Packman						

Disciplinary and Grievance Committee

Labour		Conservatives		Green and Ind		Thanet Ind	
1	Cllr Helen Crittenden	1	Cllr Jill Bayford				

2	Cllr David Green	2	Cllr Linda Wright		
3	Cllr Jack Packman				

Disciplinary and Grievance Appeals Committee

Labour		Conservatives		Green and Ind	Thanet Ind
1	Cllr Heather Keen	1	Cllr Jill Bayford		
2	Cllr Debra Owen-Hughes	2	Cllrr Linda Wright		
3	Cllr Kristian Bright				

Constitutional Review Working Party

Labour		Conservatives		Green and Ind	Thanet Ind
1	Cllr Rick Everitt	1	Cllr Matthew Scott	1 Cllr Tricia Austin	
2	Cllr Will Scobie				
3	Cllr Leo Britcher				

Appts Committee

Labour		Conservatives		Green and Ind	Thanet Ind
1	Cllr Rick Everitt	1	Cllr Reece Pugh		
2	Cllr Helen Whitehead				

Standards Committee

Labour		Conservatives		Green and Ind	Thanet Ind	Independent Members		Parish / Town Councillors	
1	Cllr Ruth	1	Cllr Jill	1 Cllr		1	Tucker	1	TBC

	Duckworth		Bayford		Tricia Austin					
2	Cllr Helen Crittenden	2	Cllr Phil Fellows				2	Lorenzo	2	TBC
3	Cllr Elysa d'Abbro						3	Ruston	3	TBC
4	Cllr Tony Ovenden						4	Clarke		

Joint Transport Board

Labour		Conservatives		Green and Ind		Thanet Ind	Parish / Town Councillors	
1	Cllr Jenny Matterface	1	Cllr Emma Dawson	1	Cllr Mike Garner		1	TBC
2	Cllr Harry Scobie	2	Cllr John Davis					
3	Cllr Joanne Bright							
4	Cllr Anne-Marie Nixey							

East Kent Joint Arrangements Committee

Labour		Conservatives	Green and Ind	Thanet Ind
1	Cllr Rick Everitt			
2	Cllr Helen Whitehead			

ELECTION OF CHAIRS AND VICE-CHAIRS OF COMMITTEES, PANELS AND BOARDS FOR THE 2023/24 MUNICIPAL YEAR

The Chair proposed, the Vice-Chair seconded and Members agreed the following list of nominations to Chair and Vice-Chair positions:

Position to be Filled	Councillor
Chair of the Planning Committee	Cllr Helen Crittenden
Vice Chair of the Planning Committee	Cllr Joanne Bright

Chair of the Licensing Board	Cllr Alan Currie
Vice Chair of the Licensing Board	Cllr Corinna Huxley
Chair of the Overview and Scrutiny Panel	Cllr Phil Fellows
Vice Chair of the Overview and Scrutiny Panel	Cllr David Green
Chair of the Governance and Audit Committee	Cllr Will Scobie
Vice Chair of the Governance and Audit Committee	Cllr Kristian Bright
Chair of the Joint Transportation Board	Jenny Matterface
Chair of General Purposes Committee	Harry Scobie

STANDARDS COMMITTEE AND CONSTITUTIONAL REVIEW WORKING PARTY

It was proposed by the Chair, seconded by the Vice-Chair and Members agreed that Mr Peter Tucker was appointed Chair of the Standards Committee and Constitutional Review Working Party, and Mr Peter Lorenzo appointed as Vice-Chair of the Standards Committee and Constitutional Review Working Party for 2023/24.

11. REPRESENTATION ON OUTSIDE BODIES FOR 2023/24

It was proposed by Councillor Everitt, seconded by Councillor Albon and Members agreed the list of Executive and Non-Executive outside bodies, and the nominations to the Non-Executive Outside Bodies, as detailed in annex 1 and 2 of the report.

Name of Non-Executive Outside Bodies	No. of Reps	Representatives 2023/24 (Councillor)
Action with Communities in Rural Kent	2	2 vacant
Age UK: Thanet	1	Edwards
Campaign to Protect Rural England	1	Nixey
Citizens Advice, Thanet	2	Matterface / Green
Millmead Children's Centre	1	Boyd

Partnership Ltd		
Multiple Sclerosis Society	1	Keen
Parking and Traffic Regulation Outside London	1	J. Bright
Powell Cotton Museum and Quex House	1	Ovenden
River Stour (Kent) Internal Drainage Board	1	W. Scobie
Sandwich and Pegwell Bay National Nature Reserve Steering Group	1	Ovenden
Thanet Countryside Trust	2	J. Bright / 1 vacant
Thanet Rural Regeneration Group	1	Wright
Thanet Sports Network	1 (+reserve)	Crittenden / 1 Reserve vacant
Thanet Volunteer Bureau	1	Ara
The Friends of Margate Cemetery	2	Whitehead / Yates
Trust for Thanet Archaeology	2	Ovenden / Whitehead
Young People's Partnership	1	d'Abbro

Meeting concluded : 19.31



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](#).

QUESTIONS FROM THE PRESS AND PUBLIC

Council	13 July 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	13 July 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 The 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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**NOTICE OF MOTION REGARDING PAUSING NEW PLANNING
PERMISSIONS OF MAJOR APPLICATIONS**

Council:	13 July 2023
Report Author	Nick Hughes, Committee Services Manager
Portfolio Holder	Councillor Whitehead, Portfolio Holder for Housing
Status	For Decision
Classification:	<i>Unrestricted</i>
Ward:	All Wards

Executive Summary:

This Council will consider a notice of motion requesting that the Council pause the granting of new planning permissions, for builds of more than 10 dwellings, and allow for a review into the impacts the current house building programme is having across Thanet.

Recommendation(s):

Members instructions are required.

Corporate Implications:

Financial and Value for Money

There are no financial implications arising directly from this report.

Legal

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

Corporate

Council Procedure Rule 3 provides the opportunity for Councillors to give advance notice of motions to be put to 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 equalities issues arising from this report.

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

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

“Motion to pause the granting of new planning permissions, for builds of more than 10 dwellings, and allow for a review into the impacts the current house building programme is having across Thanet.

While it is important that new homes are built in Thanet, it is likely that the continual increases in mortgage interest rates will have a slow-down effect on both the build of new homes and of their purchase, possibly for the rest of 2023.

This presents us with an opportunity to pause the granting of new planning applications, for builds of more than 10 dwellings, and review and address the concerns of residents on the following issues:

1. Southern Water’s infrastructure is not fit for purpose to service the current households and businesses in the district. What impact will the proposed number of new dwellings have on the current residents in Thanet and on the environment around our coastline because of increased sewage releases?
2. There are too many dwellings across Thanet which remain unoccupied. Investigate how many empty properties there are across the district and the reasons for this.
3. How many previously approved planning applications are still to commence development?
4. How many of the already approved numbers of affordable homes have been built and made available at an affordable price?
5. Have the GP surgeries, primary schools, social amenities promised in previously approved planning applications been adequately delivered by the builders?

6. What is the impact of the recent new builds on traffic and highways in Thanet?

This Council agrees to pause the granting of new planning permissions, for builds of more than 10 dwellings, and set up a cross party working group of 7 councillors to work with officers to carry out the review, using the Treasury Green Book Gate Review (see link below) process as a guide for that review.

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1002663/1174-APS-0-CCS0521656666-001_IPA_Gateway_Web.pdf “

2.0 Decision Making Process and Options

2.1 The constitution states:

“If seconded, a Member from the controlling political group will be entitled to a reply, after which the motion shall stand referred without further discussion to the Cabinet or appropriate committee for determination or report unless the Council decides to debate the motion in accordance with Rule 16” (*rules of debate*).

2.2 Firstly the motion must be seconded, if it is not seconded then the motion will fall.

2.3 If seconded, in this case the motion cannot be forwarded to the Cabinet as Planning is not an Executive function and so Cabinet has no remit over it, as such only Council can decide upon. As such if it is not agreed to debate the motion then it shall fall and no further action shall be taken.

2.4 Further to this paragraph 3.8 of the constitution states:

“viii. The Council should not debate any motion which would give rise to a significant change to income of the Council, to its expenditure or contract terms, unless it has received a report from the Chief Finance Officer or the Monitoring Officer as appropriate setting out the legal or financial effect of the motion.”

2.5 After preliminary discussions with both Planning and Legal departments this motion has the potential to have a major impact on costs incurred by the Council due to potential action from developers through claims for non-determination. As such in accordance with paragraph 3.8 viii) the Council should not debate this motion at this meeting and defer it to the next meeting of Council. A full report on the financial impact of the proposed motion can then be written for members' consideration, so that an informed debate can take place at the October Council meeting.

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 (Director of Corporate Services and s151 Officer)

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

LEADER'S REPORT TO COUNCIL

Council	13 July 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: Matthew Sanham Head of Finance and Procurement

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

Overview & Scrutiny Panel Chair's Report to Full Council

Council	13 July 2023
Report Author	Committee Service Manager
Status	For Noting
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

This report summarises activities of the Overview & Scrutiny Panel for 2023/24 and asks the Members to comment, make suggestions and note the OSP work programme.

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 At each ordinary Council meeting, the Chairman of the Overview and Scrutiny Panel presents a progress update report on the activities of the Panel since the last Council meeting. This is in accordance with Council Procedure Rule 15.1 of Part 4 of the Council Constitution. The report is subject to comment or debate by members.
- 1.2 This is an update to Full Council on the work of the Panel since the last Council meeting and allows for discussion of the Panel's planned activities, which hopefully strengthens the Council's scrutiny function.
- 1.3 This report follows on from the update report that was presented at Council on 30 March 2023 and is the first in the new municipal year for 2023/24.

- 1.4 This report provides detail of the Overview and Scrutiny Panel's work programme for the period 2023/24 that was drawn up from the suggestions put forward by Members at the Panel meeting on 30 May 2023. This work programme helps provide a framework for reporting progress regarding the activities of the Overview and Scrutiny Panel and also provides officers with a reference point for planning appropriate levels of support for the Panel.

2.0 SETTING OUT A NEW WORK PROGRAMME

Scrutiny Review Topics

- 2.1 The previous Panel agreed on an approach for identifying scrutiny topics. This approach uses a matrix to score and prioritise topics to be scrutinised by the Panel as part of the work programme for the current year. If the list is not progressed through in the current year, any remaining topics would then be carried over into the following municipal year.
- 2.2 These review topics would normally be progressed through review projects carried out by a working party set by the Panel. However in other instances Members may choose to commission a one-off officer report which would address the issues raised by Members.
- 2.3 At the Panel meeting on 30 May 2023, Members put forward a number of topics as detailed in the minutes. Members were asked to provide additional information on all the topics that they suggested. An agenda item request form was sent out to all members of the Panel seeking justification for those proposed topics.
- 2.4 Democratic Services used the matrix to score the topics and the results would be presented to the Panel meeting on 20 July. Below is the list of topics that were proposed by Members. Members of the Panel have been requested to complete a form for each suggestion, covering the detail of their request and what action they were seeking the panel to take.
1. Cost of living crisis (including debt);
 2. Health and Wellbeing;
 3. Housing affordability – how was that impacting on local communities and what TDC could do;
 4. Broken bins review;
 5. Parking charges review;
 6. Review of the Winter Gardens;
 7. Review of the Toilet Strategy;
 8. Manston site review. Invite Mr Tony Freudmann to make a presentation;
 9. Planning Enforcement Review;
 10. Review multi agency working in Housing;
 11. Review regularly the Independent Monitoring Officer's (IMO) implementation plan;
 12. Housing development: How does the government work out housing numbers for the Local Plan? How are the type, location and quality of housing determined? How do developers negotiate social housing quotas in development projects, sometimes from a high of say 30% to 15%?

13. What is the health impact of some of the council's projects?
14. Fly tipping and abandoned vehicles;
15. Review the impact of tourism on TDC (visitor parking, tourist tax, AirBNBs and visitor economy);
16. On street parking income review;
17. Grant funding: What is TDC missing out on due to lack of staff resources to maximise on grant funding sources? What can the council do to maximise grant funding income?
18. How is the Section 106 fund used?
19. Review the lifts and disabled accessibility to Thanet beaches;
20. Cabinet Member Presentations: The new Leader of Council to be invited to make a presentation on his vision for the next four years;
21. Cabinet Member Presentations: Each Cabinet Members will be invited to present on the key reviews currently taking place in their respective portfolio areas once those reviews have been completed;
22. Levelling Up Fund regular projects implementation updates;
23. Review of historical decisions made by TDC on key projects.

- 2.5 Of the list above Democratic Services have received seven requests for Scrutiny Reviews and four requests for reports to the Panel. The work programme report will be considered by the Panel on 20 July and will contain a list of scored scrutiny review topics (scored against Panel agreed criteria), confirming which topics would be carried forward as scrutiny review projects. Once adopted by the Panel, this list would then be reported to the Full Council on 12 October.

Cabinet Presentations at OSP Meetings

- 2.6 Members requested the following cabinet member presentations:
- Leader and Cabinet Member for Strategy and Transformation to present on the Vision for Council for the next four years - 20 July 2023;
 - Future Cabinet Member Presentations: Each Cabinet Member would be invited to present on the key reviews currently taking place in their respective portfolio areas once those reviews have been completed.
- 2.7 The Panel also requested a presentation by the Manston Airport site representative Mr Freudmann. Democratic Services were in the process of sending out the invitation to Mr Freudmann.

3.0 Options

- 3.1 Members are being asked to comment on and note the report.
- 3.2 Members may opt to make suggestions for the Panel to consider.

Contact Officer: Charles Hungwe, Interim Deputy Committee Services Manager, Tel: 01843 577186

Reporting to: Nick Hughes, Committee Services Manager, Tel: 01843 577208

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham (Head of Finance and Procurement)

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

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APPOINTMENT OF THE COUNCIL'S MONITORING OFFICER

Council	13 July 2023
Previously considered by:	General Purposes Committee 10 July 2023
Report Author	Colin Carmichael, Chief Executive
Portfolio Holder	Councillor Rick Everitt, Leader of Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

The report is asking the Council to consider recommendations from the General Purposes Committee regarding the appointment of a substantive Monitoring Officer, whilst recognising the need to keep the current interim arrangements cover in place.

Recommendations:

Full Council is asked to consider the recommendation from General Purposes, this will be shared at the meeting.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report. The Council has a statutory duty to make the appointment.

Legal

The role of a Monitoring Officer is a statutory appointment and by implication means that the Council must appoint to that role in order to be legally compliant with the Local Government and Housing Act 1989.

The Council is required to have a Head of Paid Service in place as one of its three statutory roles, together with the Chief Financial Officer and Monitoring Officer further to Section 5 of the Local Government and Housing Act 1989 which states:

5. Designation and reports of the Monitoring Officer.

(1)

It shall be the duty of every relevant authority—

- (a) to designate one of their officers (to be known as “the monitoring officer”) as the officer responsible for performing the duties imposed by this section [F1and, where relevant, section 5A below]; and
- (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow those duties [F2and, where relevant, the duties under section 5A below] to be performed;

and the officer so designated may be the head of the authority’s paid service but shall not be their chief finance officer.

Risk Management

Although the report is recommending the appointment of a substantive Monitoring Officer there currently is an interim arrangement where an Interim Monitoring Officer is in post carrying out those duties required of this post. Furthermore, the report recommends that the deputy Monitoring Officer should cover the role should the interim Monitoring Officer leave the council before the permanent appointment begins their roles at TDC. These recommendations mitigate the risk that the statutory position of Monitoring Officer would be vacant for any period of time.

Corporate

The appointment of a Monitoring Officer on a permanent basis would ensure that one of the key statutory roles for the proper administration of council functions is in place in accordance with the statutory requirement.

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.

There are no equality implications that arise directly from this report. The Council has had due regard to its Equality duty and the issues of diversity and inclusion to be promoted amongst the local community to ensure that the appointment recommendation secures service delivery that is consistent with its equality duty.

Corporate Priorities

This report relates to the following corporate priorities: -

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

1.0 Introduction and Background

- 1.1. Under the Constitution, the appointment of the Council's Monitoring Officer (MO) is reserved to Council. In Thanet, that is carried out by way of a recommendation from the General Purposes Committee. This recommendation will be presented to Council at this meeting.

2.0 The Current Situation

- 2.1 The position of MO is statutory, by which I mean that a Council must appoint a person to that position. The role, in summary, is to oversee the operation of the Constitution, and the Standards arrangements for the District, Town and Parish Councils in the Thanet area. As a result, the post is almost always held by the most senior qualified lawyer in a Council, although it is not a legal requirement that a qualified lawyer must hold the position.
- 2.2 The current MO is Sameera Khan, who is the interim Head of Legal and Democracy. Her Deputy MO is Nick Hughes, the Democratic Services Manager.
- 2.3 A permanent appointment has now been made to the post of Head of Legal and Democracy. The appointee is Ingrid Brown, currently Head of Legal at Bournemouth, Christchurch and Poole Council. I expect Ingrid to commence her appointment with us in early October - before the meeting of Council in October. It is, therefore, necessary to ask Council to approve her appointment as MO in advance of her starting with us.
- 2.4. As Interim Head of Legal and Democracy, Sameera Khan may stay with us until Ingrid's appointment. Under those circumstances, she will remain as MO until Ingrid's first day of service.

- 2.5. If Sameera leaves before Ingrid starts with us, then Nick Hughes will cover the position of MO until Ingrid's first day of service.

3.0 Options

- 3.1 Members are being asked to consider the recommendation from GPC.
- 3.2 As the recruitment process has been followed to identify a candidate for the role of Monitoring Officer there are no other options being offered to the Committee other than the one in para 3.1 above.

4.0 Decision Making Process

- 4.1 The General Purposes Committee will make a recommendation to the Full Council regarding the appointment of the Monitoring Officer. This recommendation will then be considered by the Full Council at its meeting on the 13 July 2023.

Contact Officer: Colin Carmichael, Interim CEx
Reporting to: Cllr Rick Everitt, Leader of Council

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Jennifer Phillips (Principal Litigation Lawyer)

APPOINTMENT OF THE INTERIM CHIEF EXECUTIVE AND HEAD OF PAID SERVICE

Council	13 July 2023
Previously considered by:	General Purposes Committee 10 July 2023
Report Author	Sonia Godfrey, Head of Human Resources
Portfolio Holder	Councillor Rick Everitt, Leader of Council
Status	For Recommendation
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

The report is asking the Council to consider recommendations from the General Purposes Committee regarding extending the appointment of Colin Carmichael as Interim Chief Executive, Head of the Paid Service, and Returning Officer for a further year, until 31 July 2024.

Recommendation(s):

Full Council is asked to consider the recommendation from General Purposes, this will be shared at the meeting.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report. The Council has a statutory duty to make the appointment.

Legal

The role of a Head of Paid Service is a statutory appointment and by implication means that the Council must appoint to that role in order to be legally compliant to regulations.

The Council is required to have a Head of Paid Service in place as one of its three statutory roles, together with the Chief Financial Officer and Monitoring Officer. Section 4 of the Local Government and Housing Act 1989 states:

4. Designation and reports of Head of Paid Service.

(1) It shall be the duty of every relevant authority—

- (a) to designate one of their officers as the head of their paid service; and
- (b) to provide that officer with such staff, accommodation and other resources as are, in his opinion, sufficient to allow his duties under this section to be performed.

Risk Management

The role of a Head of Paid Service is a statutory appointment and by implication means that the Council must appoint to that role in order to be legally compliant to the Act. This role is also critical for the Council in terms of stability moving forward. Without the extension of this role there may be a risk of having another period without a Chief Executive in post and the need to cover once again with an Acting up role until a permanent appointment is made.

Corporate

The Council must appoint a Head of Paid Service and ensure there is no break in the continuity between one arrangement and the next. The proposal is an interim arrangement to ensure certainty and provide the Council with an experienced interim Chief Executive, who will also be the Head of Paid Service, until a permanent replacement can be appointed.

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.

There are no equality implications that arise directly from this report. The Council has had due regard to its Equality duty and the issues of diversity and inclusion to be promoted amongst the local community to ensure that the appointment recommendation secures service delivery that is consistent with its equality duty.

Corporate Priorities

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities

1.0 Introduction and Background

1.1. Under the Constitution, the appointment of the Council's Head of the Paid Service (HOPS) is reserved to Council. In Thanet, that is carried out by way of a recommendation from the General Purposes Committee to the Full Council. This recommendation will be presented to Council at this meeting.

2.0 The Current Situation

2.1 The position of HOPS is statutory - by which I mean that a Council must appoint a person to that position. The role, in summary, is to manage and take all the appropriate decisions related to the Council's officer structure, except those which are reserved to Councillors.

2.2 As a result, the post is almost always held by the most senior officer in a Council, in Thanet's case the Chief Executive.

2.3 The current interim Chief Executive and HOPS is Colin Carmichael. Those appointments were approved by Council in July 2022, expiring on 19 July 2023. Colin is also the Returning Officer. The contractual position is that either Colin or the Council can give one month's notice of termination.

2.4. The Leader has discussed the position with Colin, and by mutual agreement, the proposal to Committee and Council is to extend both appointments for a further year, expiring on 31 July 2024.

2.5 It is anticipated that discussions will take place during that period relating to the appointment of a permanent Chief Executive and HOPS. The appointment of the Council's Chief Executive (on a permanent basis) is delegated to the Appointment Panel, which comprises Councillors Everitt, Whitehead, and Pugh. It is proposed that the Panel is asked to consider that possibility during the coming year as it deems appropriate. If no such discussions take place, Council will be asked to reconsider the position in July next year.

3.0 Next Steps

3.1 The General Purposes Committee will make a recommendation to the Full Council regarding the appointment of Colin Carmichael as Interim Chief Executive, Head of the Paid Service, and Returning Officer. This recommendation will then be considered by the Full Council at its meeting on the 13 July 2023.

Contact Officer: Sonia Godfrey, Head of Human Resources

Reporting to: Chris Blundell, Director of Corporate Resources and S151 Officer

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Jennifer Phillips (Principal Litigation Lawyer)

Affordable Housing Delivery

Council	13 July 2023
Report Author	Bob Porter, Director of Place
Portfolio Holder	Cllr Helen Whitehead, Cabinet Member for Housing
Status	For Decision
Classification:	Unrestricted
Key Decision	Budget and Policy Framework
Reasons for Key	N/A
Ward:	All

Executive Summary:

This report updates members on the approved affordable housing development programme and recommends that the council support a significantly accelerated programme.

The report sets out how an accelerated programme could be funded and delivered, and recommends that the council adopt a delivery target to acquire or construct at least 400 new affordable rented homes by 2027.

The report also identifies two new projects that can provide 51 new affordable homes quickly to kick start the 400 home programme, and recommends an additional HRA capital budget of £7.485m to fund these projects, subject to cabinet approving the project details at its meeting on 27 July 2023.

Further budget allocations will be recommended to council, as part of future budget setting and budget monitoring reports, to fund the remainder of the programme, as projects are identified.

Recommendation(s):

It is recommended that Council:

1. Adopt the target to deliver at least 400 new affordable homes by 2027 and agree the proposed funding and delivery proposals set out in this report.
2. Replace the current phased approach to budgeting for the affordable housing programme with a single acquisitions and development budget.
3. Note that detailed projects will be presented to the Cabinet for approval as they are identified.
4. Approve an additional HRA capital budget of £7.485m to deliver 51 new affordable homes, as set out in 3.3 and 3.4 below, subject to Cabinet approving the details.

Corporate Implications

Financial and Value for Money

The financial impact of the new schemes proposed is laid out in the body of the report.

Legal

Section 151 of the Local Government Act 1972 requires a suitably qualified named officer to keep control of the council's finances. For this council, this is the Director of Corporate Services and this report is helping to carry out this function.

The council's responsibilities in respect of the need to keep a Housing Revenue Account (HRA) are contained within Section 74 of the Local Government and Housing Act 1989 ('The Act') and its use is heavily prescribed through statute. The HRA records all of the revenue expenditure and income relating to land, dwellings and other buildings provided under Part II of the Housing Act 1985 and corresponding earlier legislation. It must be separate from the General Fund Revenue Account and therefore is to all intents and purposes ring-fenced.

Although the HRA for an individual year may result in a deficit, it is a requirement of 'The Act' that overall it must maintain a surplus, which means that expenditure must be carefully planned to remain within the limits of the anticipated income streams over the medium term.

Risk Management

There are a number of key risks linked to the proposals set out in this report and the development and acquisition of new homes generally. The key risk areas are:

Inflation and cost overruns: Each individual construction project will be fully assessed for costs at each stage of the design process, and decisions about whether to proceed based upon an evaluation of the long term impact of the project. Part of the programme will include the purchase of newly constructed homes, this approach brings greater cost certainty.

Rent Levels: Assumptions have been made about future rent levels, and other variable factors within the Housing revenue Account Business Plan. These will be reviewed to take into account known factors when deciding whether to proceed with any specific project.

Housing Demand Risk: This is considered to be a very low risk, due to the level of housing need in the district, as set out in 1.3 of the report.

Programme Delay: This proposed programme does represent a significant step up in the construction and acquisition of new affordable homes for the council, and there is a risk of programme delay. The financial assumptions used within the report have included resources for additional project management and design team resources to mitigate this risk.

Corporate

The provision of new affordable homes is a significant priority for 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.

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.

People with protected characteristics under the Public Sector Equality Duty are represented on the council's housing register and seek support from the council's homelessness services. The proposals set out within this report are considered to be beneficial to people with protected characteristics, as new homes will be allocated in accordance with the council's adopted allocations policy, which has been subject to a full Equalities Impact Assessment.

Corporate Priorities

This report relates to the following corporate priorities:

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

1.0 Introduction and Background

1.1 The council is one of the main providers of new affordable housing in Thanet. In addition to its existing housing stock, the council has provided 144 new affordable rented homes through its new build and acquisition programmes since 2015. This represents 61% of the total of 313 new affordable homes provided by the council and its Housing Association partners over that period.

1.2 However, the Strategic Housing Market Assessment completed in 2020 identified a need for 548 affordable homes per year. New initiatives to increase the supply of new affordable homes are needed and this is recognised in the council's Housing, Homelessness and Rough Sleeper strategy, adopted by the Council in March 2020.

1.3 In addition, the council is facing a rapid growth in the number of homeless households. This has led to an increase in the number of households in temporary accommodation; currently 233 households are living in temporary accommodation provided by the council. Our first temporary accommodation development, at Foy

House in Margate is now completed and occupied. Furthermore, there are currently 1604 households in housing need on the council's housing register, waiting for a new home.

- 1.4 In addition to the 144 homes already delivered, the council has already approved the funding and delivery of a further 47 homes on identified sites as part of the on-going new build programme, with construction due to start early in 2024. There are further capital resources available within the existing approved HRA capital programme, and a site identified with capacity for around 20 homes, however it is important to note that this is dependent upon external funding for 40% of the cost, which is yet to be secured.
- 1.5 The currently approved Housing Revenue Account Business plan assumptions include further tranches of funding for new build; £8.1m in 25/26 and £8.1m in 26/27, which could deliver around 50-60 homes. The funds will also require 40% match funding (see section 2 below). The overall idea is to establish a long term rolling programme of development sites, with individual projects approved by Cabinet as they are identified and evaluated.
- 1.6 In addition to these new build projections, the council has purchased a large property in Edgar Road, with the final tranche of funding from the Cliftonville intervention programme (Live Margate) with the intention of converting to a further 16 homes. The property is to be used by the RISE service until March 2025, whilst the project is developed, with a planned start on site for the conversion works of April 2025. A detailed report will be presented to the Cabinet once detailed designs and costs are developed.
- 1.7 There is a further £2.2m in the general fund capital programme for a second Temporary Accommodation (TA) project following the success of Foy House, with potential for up to 10 homes. The council has also been allocated grant funding from the government's Local Authority Housing Fund for 9 homes for Ukrainian and Afghan refugees, and been offered access to a further round of funding for these needs.
- 1.8 In total, these approved projects/business plan assumptions will see the delivery of approximately 160 homes by 2026/27, bringing the total homes delivered to 300. The table in annex 1 shows a summary of these homes.
- 1.9 In addition to providing council with a summary of the affordable housing delivery plans already set out within the assumptions included within the approved Housing Revenue Account Business Plan, this report sets out proposals for accelerating this programme and delivering further homes, beyond the 157 - 172 summarised above.
- 1.10 There are a number of key assumptions included within these figures, as follows:
 - Rents within the programme are set at an affordable rent level, pegged to the LHA rate.

- In general, to acquire/build homes for affordable rent and charge an affordable rent, in a sustainable way, subsidy is needed at around 40% of the cost.
- Inflation in build/acquisition costs are generally in line with inflation in rents over the long term.
- Scheme costs include an allowance for professional fees and project management, including in-house services where appropriate.
- Each scheme is subject to a detailed affordability check to ensure that it covers its costs from rental income, over a 30-50 year period.
- The council's contribution to scheme costs is funded from borrowing, although internal borrowing will be utilised whilst the Council's cash balances are sufficient.
- Cash flow constraints in the early years of this modelling is a limiting factor in the HRA Business Plan.

2.0 Funding an Expanded Delivery Programme

- 2.1 Work has been completed to explore whether the council's Housing Revenue Account could fund further homes, using a combination of capital borrowing and external subsidy. This work has been based on the same set of assumptions, as set out in 1.10 above.

Sources of Subsidy (Raising the 40%)

- 2.2 There are a number of potential sources for the subsidy:

Section 106 Contributions

- 2.3 The preference is for section 106 agreements to secure homes on site. In this scenario, the developer effectively provides the necessary subsidy, and other forms of subsidy are generally prohibited. The subsidy is secured by negotiating a discounted purchase price/transfer value.
- 2.4 Commuted sums can be secured in exceptional circumstances. The council currently has uncommitted section 106 monies of £295k for affordable housing.

Homes England Grant:

- 2.5 TDC is a recognised delivery partner with Homes England and is able to bid for grant funding. Grant funding at 40% is a reasonable expectation. It is dependent on the availability of match funding and subject to the resources available to Homes England. Homes England operates an on-going grant bidding process and bids can be submitted as schemes are identified. A link to the Homes England 5 year Strategic Plan, 2023 to 2028 is annexed to this report. More detail on the funding conditions for Affordable Housing Grant is set out in Homes England's Capital Funding Guide, and a link is provided at the end of this report.

Right to Buy Receipts:

- 2.6 The council can utilise a portion of right-to-buy receipts for new build and acquisition programmes. The funds can pay up to 40% of scheme costs. The receipts currently held by the council are already allocated to existing projects, and the rate of sales has reduced over the past year due to current economic circumstances.

Affordable Rents

- 2.7 The capacity of the business plan to provide sufficient funding for investment in new homes is dependent upon rent policy. The Council currently has a policy of setting affordable rents at the lower of 80% of market rent or the Local Housing Allowance (LHA) rate.
- 2.8 LHA rates have not been increased since 1st April 2020 and will remain fixed until at least 2024/25.
- 2.9 A potential risk with this policy is that if the government does not vary the LHA rate then future year income streams would not increase at the same rate as revenue costs would within the HRA, impacting on long term viability.
- 2.10 In assessing the capacity of the council's HRA to fund further development, it has been assumed that, after year 1 (2023/24) where the government has already confirmed a freeze in LHA rates, rental levels will increase by at least a CPI +1% annually.
- 2.11 The Council can choose to set affordable rents at up to 80% of market rent and move away from setting a maximum of LHA rates should it wish to develop out more units and achieve more income for the HRA business plan. A decision to set rents at a lower level would reduce the capacity of the business plan to provide match funding. Where schemes are supported with Affordable Housing Grant from Homes England, rent levels will need to be agreed as part of the funding agreement.

Scheme Viability

- 2.12 Officers have developed a detailed viability assessment tool to assess the viability of individual schemes, which is used to inform a go/no-go decision for individual proposals. It is essential for the viability of the overall programme that only schemes that have a positive impact on the HRA Business Plan or General Fund are delivered.
- 2.13 To be viable, schemes need to show an overall surplus over a 30 or 50 year timescale, depending on the duration of any borrowing. The assessment tool operates like a mini business plan and takes into account all relevant costs and income, including rent income, capital costs, professional fees and project

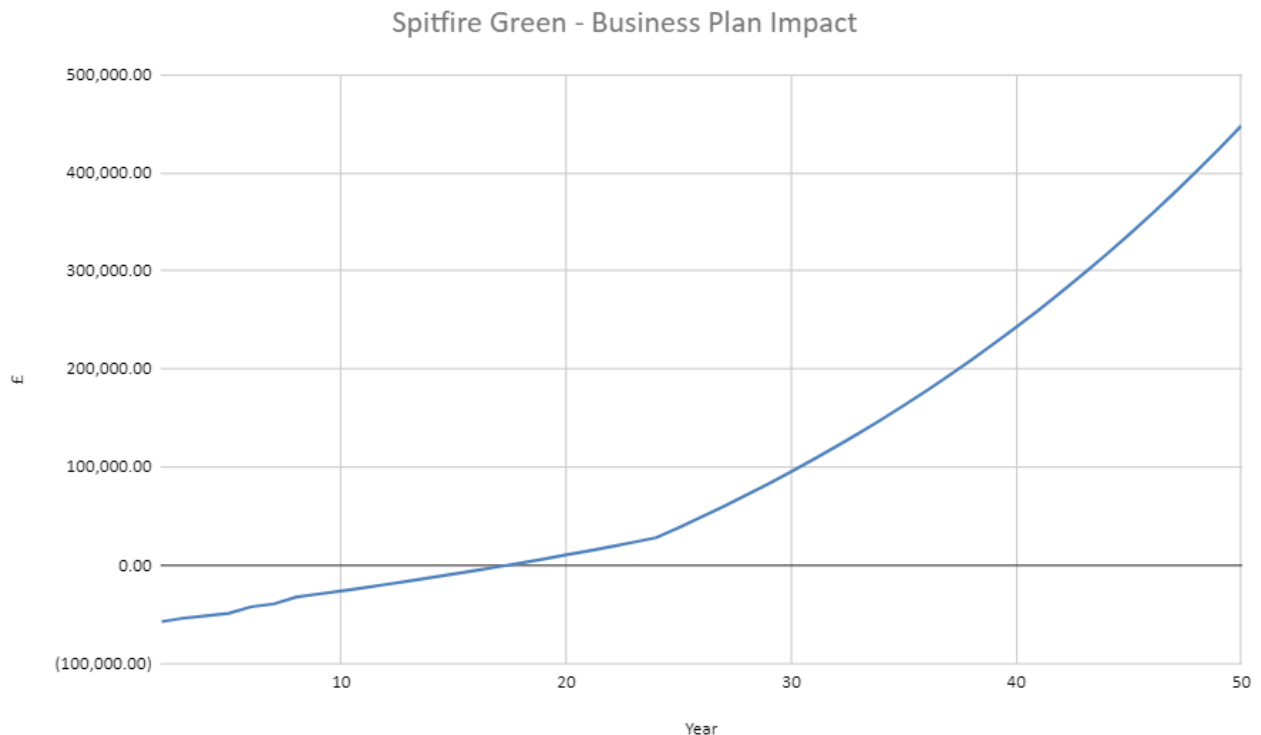
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management, the costs of borrowing and management, maintenance costs and depreciation over the lifetime of the homes.

- 2.14 Although viable schemes show a surplus over their lifetime, cash flow in the initial years is always in deficit. It is this cash flow deficit that acts as a limiting factor in the scale of the programme, especially as the HRA is currently running a deficit budget (current annual expenditure exceeds annual income streams) and is therefore reliant on contributions from revenue reserves. Pressures on General Fund revenue budgets also act as a limiting factor, and any temporary accommodation projects proposed as part of this programme will need to be able to cover any revenue pressures from existing budgets.
- 2.15 This is best illustrated by a worked example. The worked example is based upon the purchase of 42 new affordable homes, at Spitfire Green, Westwood, as part of a section 106 agreement. Section 106 agreements require developers to transfer completed homes to an affordable housing provider at a value that makes an affordable rent viable. This means that the developer effectively provides the necessary subsidy in the form of a discounted purchase price below market value. In this example the capital cost for the 42 homes is £5m. The example would have the following impact on the HRA business plan:

Year	1	2	3	4	18
Revenue Income					
Rental income	(259,536.37)	(259,536.37)	(270,696.43)	(277,355.56)	(419,525.17)
Revenue Costs					
Management Contribution	6,720.00	7,056.00	7,408.80	7,779.24	10,264.54
Revenue Repairs	3,192.00	3,351.60	7,038.36	7,390.28	68,259.20
Major Repairs (Capital contrib)	58,380.00	61,299.00	64,363.95	67,582.15	89,173.21
Insurance	8,400.00	8,820.00	9,261.00	9,724.05	12,830.68
Saving before MRP and interest	(182,844.37)	(179,009.77)	(182,624.32)	(184,879.85)	(238,997.54)
Interest on debt	236,845.00	236,845.00	236,845.00	236,845.00	236,845.00
Net cost/(saving)	54,000.63	57,835.23	54,220.68	51,965.15	(2,152.54)

- 2.16 The cash flow for this scheme is shown over 50 years, in the chart below:



- 2.17 This example shows a cash flow deficit in year 1 of £54k and a break even point in year 18, with surpluses accumulating between year 18 and year 50. To be deliverable, projects will need to show a surplus over a 30 to 50 year period.

New Properties Reserve

- 2.18 To unlock the accelerated delivery of additional affordable homes, it is essential that there is revenue support available during the initial years of each project, to cover the initial cash flow deficit.
- 2.19 The Council currently budgets an annual £300k capital contribution to the New Properties Reserve to fund future acquisitions or construction. This £300k is funded by a revenue contribution to capital from the rents of the 144 affordable rented homes already completed (see paragraph 1.1).
- 2.20 If this budget is used to support the revenue deficit in the initial years of future schemes, rather than contributing to the capital cost, an increased number of projects could be supported and more new homes constructed or acquired. It should be noted that this change in approach will result in a marginal increase in the overall cost of the programme, as more borrowing is undertaken in place of the £300k contribution, however it will not have a material impact on the viability of individual schemes and as such it will ultimately aid achieving the goal of increased delivery.

- 2.21 A similar approach is also possible within the General Fund for future temporary accommodation projects, with the revenue deficits in the initial years of any projects funded from existing temporary accommodation budgets.

Setting an Increased Delivery Target

- 2.21 It is difficult to determine the exact number of homes that can be funded and delivered in this way as it depends on a range of variables, including:
- the mix of property sizes within any proposed project,
 - the interest rate on long term borrowing rate at the time,
 - Inflation, particular in build or acquisition costs,
 - The Local Housing Allowance rates and rent policy.
- 2.22 The worked example, set out at 2.15 above, consisting of 42 units, would generate a £54k cash flow deficit in year 1. Therefore, if we apply the same assumptions to future schemes the HRA could fund an additional 230 homes (including these 42) with borrowing, provided the necessary external subsidy could also be secured, from one of the sources set out in sections 2.2 to 2.6. A number of factors could enable more than 230 additional homes to be delivered, such as:
- Increases in the LHA rate by government which allow the Council to increase rents by CPI +1%,
 - Lower interest rates on new borrowing.
- 2.23 In summary approved budgets and existing business plan assumptions will enable the delivery of approximately 160 homes. An additional 230 homes could potentially be delivered within the HRA by using the New Properties Reserve to support revenue costs. Future temporary accommodation projects within the General Fund could increase this number further.
- 2.24 Across these programmes and funding opportunities, a new target to construct or acquire at least 400 homes by 2027 is affordable, subject to the necessary external funding. It is not possible to project the precise cost of a programme of this scale. Costs will significantly depend on the size and cost of homes provided. However, based on the average cost of the homes provided to date, it is likely the total cost would be between £90m and £100m, with £54m to £60m funded from council borrowing and £36m to £40m funded from external sources, as set out in paragraphs 2.2 to 2.6. It should be noted all the financing of this additional borrowing will be ring fenced within the HRA and therefore it has no impact on the General Fund or the setting of Council Tax.

3.0 Opportunities to Deliver a Programme of this Scale

- 3.1 The council has already identified opportunities to deliver around 83 new homes, across the projects set out in section 1 of this report, all of which have previously been considered by the Cabinet.

- 3.2 In addition, the council monitors all housing sites that have section 106 sites requiring the delivery of affordable homes, and works with registered providers (housing associations) and developers to ensure that these homes are constructed and transferred to a suitable registered provider. Housing Associations are increasingly looking for large scale sites providing 100 or more affordable homes, and the developers of smaller sites find it more difficult to secure a delivery partner. Of the 743 affordable homes, specified in existing section 106 agreements, around 135 homes do not currently have an identified delivery partner. These are a potential source of future projects for the council, assuming that suitable terms could be agreed. Further agreements are expected in the future.
- 3.3 The worked example, set out in 2.15 and 2.16 above, at Spitfire Green, Westwood, is an example of this type of project. Subject to approval and contract negotiations have been held with the developer, Barrett Homes, and a provisional agreement has been reached to purchase the 42 affordable homes for £5m. The report therefore recommends that council approve a capital budget of £5.05m to complete this acquisition and fund the necessary expenses.
- 3.4 The council has been allocated £1.19m funding from the Local Authority Housing Fund (LAHF) to support the acquisition of nine homes, initially for Afghan and Ukrainian refugee households and subsequently to form part of the council's general housing stock. Discussions have taken place with a local developer currently developing the Westwood Cross site to purchase 6 x 3 bed units and 3 x 4 bed units. They are nearing completion and will be ready by the end of June 2023. The LAHF allocation requires match funding from the council's HRA of £1.245m. The proposed purchases and all associated expenses and costs will be contained within this overall budget. Cabinet considered a report about this project at its meeting on 15 June 2023 and recommended that council agree to the necessary budget.
- 3.5 There are also a number of landowners approaching the council to explore whether the council would be interested in purchasing land for the delivery of new homes, or in working in partnership, or as part of a joint venture to deliver homes. We are currently aware of sites like this with capacity for around 90 homes, but it is likely that further opportunities will arise.
- 3.6 These options clearly demonstrate that opportunities do exist to deliver a programme of at least 400 homes by 2027. As projects are identified and evaluated, proposals will be presented to Cabinet for approval, where they are affordable and sustainable. Capital budgets will be reviewed as part of routine budget setting and monitoring as these programmes progress, so that council can approve the necessary funding at the appropriate time.
- 3.7 In the meantime, this report recommends that council approve additional capital budgets of £7.485m to progress the projects set out in 3.3 and 3.4 above. If approved, both projects will be considered by the cabinet at its meeting on 27 July 2023, with a recommendation to proceed with the purchases.

Contact Officer: *Bob Porter (Director of Place)*
Reporting to: *Colin Carmichael (Chief Executive)*

Annex List

Annex 1: Existing Proposals for Affordable Housing Delivery [Link](#)

Background Papers

Title: [Link](#) to Strategic Housing Market Assessment, 2021

Title: [Link](#) to the Housing, Homelessness and Rough Sleeping Strategy, 2020

Title: [Link](#) to Homes England 5 Year Strategic Plan 2023 -2028.

Title: [Link](#) Homes England Capital funding Guide

Corporate Consultation

Finance: [Chris Blundell \(Director of Corporate Services - Section 151\)](#)

Legal: [Sameera Khan \(Interim Head of Legal & Monitoring Officer\)](#)

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**Annex 1:
Existing Proposals for Affordable Housing Delivery**

Project	Source of TDC Funding	Amount of TDC funding	Included in HRA Business Plan	Already in approved capital programme	Amount of External Funding Needed	Source of external/ match funding	Total Cost (Estimated)	Number of homes
Approved new build schemes	HRA	£7.81m	Yes	£13.024m	£5.21m	1-4-1 Right to buy receipts	£13.02m	47
Identified new build schemes	HRA	£4.74m	Yes	£7.9m	£3.16m	To be identified	£7.9m	25 -30
Further new build 25/26/27	HRA	£9.72m	Yes	£8.1m	£6.48m	To be identified	£16.2m	50-60
Live Margate (Edgar Road)	HRA	£1.83m	Partially	£1.83m	£1.37m	To be identified	£3.2m	16
TA Project	GF	£2.2m	N/A	Yes	Not necessarily required. Depends on project.		£2.2m	10
Refugees programme	HRA	£1.245m	No	No	£1.19m	Local Authority Housing Fund (Round 1)	£2.435m	9
Total homes from these programmes							£44.955m	157 - 172
Spitfire Green - To be approved	HRA	£5.05m	No	No	£0m	No external funding required	£5.05m	42
Total, including Spitfire Green							£50.005m	199 - 214

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MEMBERS ALLOWANCES SCHEME 2023/24 REVIEW BY EKJIRP

Council	13 July 2023
Report Author	Nicholas Hughes – Committee Services Manager
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	All Wards

Executive Summary:

This report is provided to allow the Council to consider the recommendations from the East Kent Joint Independent Remuneration Panel (EKJIRP) regarding the 2023/24 Members allowances scheme for TDC.

Recommendation(s):

To consider the recommendations of the EKJIRP:

- A. That it be recommended to Thanet District Council that the Members' Allowances Scheme 2023-24, as set out in Annex 1 of the report, be approved.
- B. In respect of the Dependant Carers' Allowance, the Panel would propose a move to actual cost reimbursement instead of a reimbursement based on the National Living Wage.

Corporate Implications

Financial and Value for Money

The cost of the scheme of allowances as set out in Annex 1 of the report can be accommodated from existing approved budgets.

Legal

The Council is required to have regard to the recommendations of EKJIRP in making a scheme of allowances.

Section 18 of the Local Government and Housing Act 1989 permits the Secretary of State, by regulations, to make a scheme providing for the payment of a basic allowance, an attendance allowance and a special responsibility allowance to members of a local authority. Section 100 of the Local Government Act 2000 permits the Secretary of State, by regulations, to provide for travelling and subsistence allowances for members of local

authorities, allowances for attending conferences and meetings and reimbursement of expenses. In exercise of these powers the Secretary of State has made the Local Authorities (Members' Allowances) (England) Regulations 2003.

The Regulations require the council to make a scheme before the beginning of each year for the payment of basic allowance. The scheme must also make provision for the authority's approach to special responsibility allowance, dependants' carers' allowance, travelling and subsistence allowance and co-optees' allowance. The scheme may also provide for other matters of the kind dealt with in the proposed scheme.

When considering the scheme, the Council must have due regard to the need to eliminate unlawful conduct under the Equality Act 2010, the need to advance equality of opportunity and the need to foster good relations between persons who share a protected characteristic and those who don't (the public sector equality duty). This consideration should be supported by a proportionate level of equality analysis.

Corporate

The level of allowances may be seen as both impacting on the public's perception of the Council and a factor in making public services as a Councillor attractive to a broad range of potential candidates.

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

Although it does not directly relate to protected groups, the draft scheme contains the ability to pay a dependent carers allowance to Councillors. This contributes to aims 1 and 2 of the Equality Act as it removes barriers to Councillors standing who have relatives that may be in need of dependent care.

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 This report is provided to allow the Council to consider the recommendation from the East Kent Joint Independent Remuneration Panel (EKJIRP) regarding the 2023/24 Members allowances scheme for TDC.

2.0 Review of the 2022/23 scheme

2.1 The EKJIRP reviewed the 2023/24 Allowances scheme as agreed by TDC on 7 March 2023. They made the following recommendations:

- A. That it be recommended to Thanet District Council that the Members' Allowances Scheme 2023-24, as set out in Annex 1 of the report, be approved.
- B. In respect of the Dependant Carers' Allowance, the Panel would propose a move to actual cost reimbursement instead of a reimbursement based on the National Living Wage.

2.2 The full scheme is attached to the report at Annex 1.

3.0 Options

3.1 Council can choose to accept the recommendations of the EKJIRP or not.

Contact Officer: Nick Hughes, Committee Services Manager
Reporting to: Sameera Khan, Interim Head of Legal

Annex List

Annex 1: 2023/24 Draft Scheme of Members Allowances.

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

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Part 6 - Members' Allowances

Scheme 2023/24

- 1.1 This scheme is made in exercise of the powers conferred by The Local Authorities (Members' Allowances) (England) Regulations 2003 and of all other enabling powers, the Council having had regard to the recommendations made to it by an independent remuneration panel.
- 1.2 This scheme shall take effect on and from the 1 April 2023 and shall remain effective for the purposes of the determination and payment of any allowances to Members until it is next reviewed by Council.
- 1.3 Where a Member of the Council is also a Member of another authority, that Member may not receive allowances from more than one authority in respect of the same duties.
- 1.4 This scheme shall be construed in accordance with the meanings contained within the above Regulations.

Basic Allowance

- 1.5 The annual entitlement to Basic Allowance for each Member is the amount detailed in **Schedule 1**.

Special Responsibility Allowance

- 1.6 The annual entitlement to a Special Responsibility Allowance for each Member having a special responsibility is the relevant amount in relation to that responsibility detailed in **Schedule 1**.
- 1.7 Where a Member would otherwise be entitled to claim more than one Special Responsibility Allowance only one shall be payable, normally the higher unless the member gives notice in writing to the Committee Services Manager that he or she wishes to receive the lower.
- 1.8 Where Members of the Council are divided into at least two political groups and a majority belong to the same political group a Special Responsibility Allowance shall be paid to at least one person who is not a member of the controlling group.

Dependants' Carers' Allowance

- 1.9 Members are entitled to claim Dependants' Carers' Allowance for expenses necessarily incurred in arranging care on account of any 'Approved Duty'. The current allowance is included in **Schedule 1**.
- 1.10 The definition of a dependant for the purpose of payment of this allowance is that used in S57A (3) of the Employment Rights Act 1996. This is a spouse or partner, a child, a parent, a person who lives in the same household but who is not an employee, tenant, lodger or boarder.

- 1.11 Additionally the secondary carer must not be a member of the claimant's immediate family i.e. spouse or partner, other children of the Member or the Member's spouse or any member of the Member's family who lives at the same address as the Member. Nor can it be an employee, tenant, lodger or boarder who lives at that address.
- 1.12 Payment of Dependants' Carers' Allowances will be on the production of invoices and is limited to no more than one hundred hours per quarter. [**Note:** To avoid excess administration in processing claims, these should be submitted on a quarterly basis.]

Travelling and Motor Mileage Allowances

- 1.13 Members will be reimbursed car mileage only from their home to place of duty and return in respect of attendance at Approved Duties, or as the Council's representative, in accordance with the rates set out in **Schedule 1**.
- 1.14 If a Member visits the vicinity of the place of duty for some other purpose and then goes directly to the approved duty, a claim should not be made.
- 1.15 Subject to paragraph 1.16 below, for journeys outside the District, car mileage reimbursement will be capped at the cost of an equivalent journey by public transport (meaning the standard open rail fare together with reasonable taxi/bus fares, parking charges and underground fares incurred, or which would have been incurred if the Member had travelled by public transport). If, however, the costs of an equivalent journey by public transport equals or exceeds car mileage costs, full mileage costs will be reimbursed.
- 1.16 Notwithstanding that the cost of car mileage reimbursement would exceed the cost of an equivalent journey by public transport, a Member will nevertheless be entitled to claim mileage for out of district travel:-
- (i) If he or she car shares with either an officer or one or more members, any of whom would have been entitled to make a mileage claim had they travelled independently; or
 - (ii) If the Committee Services Manager agrees in writing that the meeting, seminar, conference, event, presentation, service or other approved duty that necessitated the journey was not reasonably practical to make by public transport due to any or a combination of the following factors:-
 - the distance from the members home to the nearest railway station;
 - the location of the meeting;
 - the start or finish time of the meeting;
 - the amount of luggage to be taken; and
 - the overall journey time on public transport compared to travel by car.
- 1.17 The written agreement of the Committee Services Manager under paragraph 1.16 above should normally be sought in advance of the intended journey but in exceptional circumstances may be obtained subsequently. In addition, where it is

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likely that a Member will be travelling to the same destination one more than one occasion, the Committee Services Manager shall be entitled to give the Member his agreement in writing to all such journeys.

- 1.18 Travelling and motor mileage allowances may be payable for attendance at any official meetings of the Council to which members of more than one party are invited to attend and also for representation on those bodies included in **Schedule 2**.

Subsistence

- 1.19 Payment of subsistence allowances in connection with any approved duty shall be in accordance with the provisions, including the maximum amounts payable, set out in **Schedule 1**.

Explanation of "Approved Duty"

- 1.20 Approved Duties comprise the following:-
- a) a meeting of the authority or of any committee or sub-committee of the authority, or of any other body to which the authority makes appointments or nominations, or of any committee of such a body;
 - b) any other meeting, the holding of which is authorised by the authority, or a committee or sub-committee of the authority, or a joint committee of the authority and one or more other authorities, or a sub-committee of such a joint committee, provided that –
 - i) where the authority is divided into two or more political groups, it is a meeting to which members of at least two such groups have been invited, or
 - ii) if the authority is not so divided, it is a meeting to which at least two members of the authority have been invited;
 - c) a meeting of any association of authorities of which the authority is a member.
 - d) the carrying out of any other duty approved by the Council, or any duty of a class so approved, for the purpose of or in connection with the discharge of the functions of the Council or any of its committees or sub-committees. [Attendances at meetings of the bodies listed in Schedule 2 have been approved.]
 - e) There is also a general duty permitting the Leader or nominated deputy to represent the Council at formal meetings not specified elsewhere, with other authorities, official bodies or agencies for the purposes of any function of the Council, but excluding meetings organised by private individuals or commercial organisations.
- 1.21 Scrutiny Panel Members attending meetings of the Cabinet are entitled to claim travelling allowance and any Member speaking on an issue relevant to their Ward at a meeting of the Cabinet with the consent of the Leader or in accordance with Council rules is also entitled to claim travelling allowance.

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- 1.22 If any Overview or Scrutiny Panel requires a Member of the Cabinet to attend before it in relation to matters within that Member's remit, then that Member is entitled to claim travelling expenses.
- 1.23 Where Cabinet Members attend non-executive meetings to observe only this is not deemed to be an approved duty and travelling expenses will not be paid.
- 1.24 Where any Member attends any Committee to speak on an item with the Chairman's consent, this attendance will be an approved duty for payment of travelling expenses.
- 1.25 Members are entitled to claim travelling expenses for Committee briefings and for all Partnership meetings or Chairman and Vice-Chairman meetings with the Lead Officer and these meetings are therefore approved duties.
- 1.26 This Scheme does not allow for travelling expenses to be paid to individual Members arranging meetings with officers as this is deemed to be part of the Member's role and Members' allowances paid are calculated to reflect these extra duties.
- 1.27 For any other ad hoc briefings e.g. on major developments, Members from all political groups with in excess of 5 Members will need to be invited to these briefings in order for travelling allowances to be paid.
- 1.28 No allowance shall be payable if such payment would be contrary to provision made by or under any enactment.
- 1.29 Members who attend committee meetings of which they are not a member (under Council Procedure Rule 20(1)) shall be entitled to claim travelling expenses.
- 1.30 Co-opted and Independent members shall be treated as Members of the Council for the purposes of Approved Duties.

Renunciation

- 1.31 A Member may, by notice in writing given to the Democratic Services and Scrutiny Manager, elect to forego any part of his/her entitlement to an allowance under this scheme.

Part Year Entitlements

- 1.32 The provisions of this paragraph shall have effect to regulate the entitlements of a Member to Basic and Special Responsibility Allowances where in the course of the year
 - The Scheme is amended; or
 - That Member becomes, or ceases to be, a Member, or
 - He/she accepts or relinquishes a special responsibility in respect of which a Special Responsibility Allowance is payable
- 1.33 If an amendment, or amendments, to this scheme change(s) the amount of the Basic Allowance or a Special Responsibility Allowance to which a Member is entitled, then for each period in a particular year during which the relevant amounts are applicable, the entitlement to such allowance(s) shall be calculated on the basis of the equivalent

daily rate(s) that is/are applicable to the relevant periods.

- 1.34 Where the term of office of a Member begins or ends at any time other than at the beginning or end of a year, the entitlement of that Member to a Basic Allowance shall be calculated on the basis of the equivalent daily rate that is applicable to the relevant period.
- 1.35 Where both:
- this Scheme is amended as described in sub-paragraph 1.32; and
 - the term of office of a Member begins and/or ends as described in paragraph 1.33; then
 - the entitlement of any such Member to a basic allowance shall be calculated on the basis of the equivalent daily rate that is applicable to the relevant periods.
- 1.36 Where a Member has during part of, but not throughout, a year such special responsibilities as entitle him/her to one or more Special Responsibility Allowances, that Member's entitlement shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.
- 1.37 Where this scheme is amended as mentioned in paragraph 1.32 and a Member has during part, but does not have throughout the whole, of any period mentioned in paragraph 1.33 any such special responsibilities as entitle him/her to one or more Special Responsibility Allowances, that Member's entitlements shall be calculated on the basis of the equivalent daily rate(s) that is/are applicable to the relevant periods.

Repayment and Withholding of Allowances

- 1.38 Where payment of any Basic Allowance or Special Responsibility Allowance has already been made after a Member, ceases to be a Member of the Council or is in any other way not entitled to receive any such allowance in respect of that period, the Council may require that such part of the allowance as relates to any such period be repaid.

Payments and Claims

- 1.40 Allowances will be paid in instalments of one-twelfth of the amounts specified in this scheme by BACS transfer on the 19th of the month, one month in arrears.
- 1.41 Where a payment of one-twelfth of the amount specified in this scheme in respect of a Basic Allowance or a Special Responsibility Allowance would result in the Member receiving more than the amount to which, by virtue of paragraph 1.33, he/she is entitled, the payment shall be restricted to such amount as will ensure that no more is paid than the amount to which he/she is entitled.
- 1.42 Claims for Dependants' Carers' Allowances, Travel and Subsistence Allowances and Co-optee's Allowance (if applicable) shall be made within three months from the date on which an entitlement arises.
- 1.43 Nothing in the above paragraph shall prevent the Council from making a payment where an allowance is not claimed within that period.

Pensions

- 1.44 In accordance with the Local Government Pension Scheme (Transitional Provisions, Savings and Amendment) Regulations 2014, no Member of Thanet District Council is entitled to be a member of the Local Government Pension Scheme after 11 May 2015.

With effect from the 1st day of April 2023 pursuant to a resolution of the Thanet District Council passed on the 23 February 2023.

SCHEDULE 1

MEMBERS' ALLOWANCES SCHEME – 2023/24

Basic Allowance

£4,570 each Member x 56 = £255,920

Special Responsibility Allowances

Position	Number	Allowance £	Possible maximum expenditure £
Executive			
Leader	1	18,082	18,082
Deputy Leader	1	10,776	10,776
Cabinet Portfolio Holder	4	7,990	31,960
Non-Executive			
Chairman of Council	1	2,188	2,188
Vice Chairman of Council	1	1,530	1,530
Opposition Group Leader	1	7,990	7,990
Deputy Opposition Group Leader	1	2,862	2,862
Opposition Spokesperson	4	2,862	11,448
Scrutiny Panel Chairman	1	7,990	7,990
Scrutiny Panel Vice-Chairman	1	3,216	3,216
Planning Committee Chairman	1	5,204	5,204
Planning Committee Vice-Chairman	1	1,216	1,216
Licensing Committee Chairman	1	3,216	3,216
Licensing Committee Vice-Chairman	1	805	805
Governance and Audit Committee - Chairman	1	5,204	5,204
Governance and Audit Committee – Vice-Chairman	1	1,216	1,216
Standards Committee - Chairman	1	1,216	1,216
Standards Committee – Vice-Chairman	1	400	400
Standards Committee – other Independent	2	250	500

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Annex 1

Member			
"Independent Person"	1	250	250
Substitute "Independent Person"	1	100	100
JTB Chairman	1	1,216	1,216
TOTAL SRAs only			£118,485

Total basic + SRAs = £374,405

(1) Co-optees and "independent" Members shall be treated as Members of Thanet District Council for this purpose.

Dependants' Carers' Allowances

An allowance for any approved duty of ~~£9.94~~ £10.42 per hour (*or the national living wage whichever is higher*) subject to the conditions set out in paragraph 4 of the 'Members Allowances Scheme'.

Motor Mileage Allowance

Payable in accordance with the Mileage rates as set out in the TDC staff travel plan:

For the duration of this scheme the rates are as follows:

(i) For journeys within the District (casual user rate)

21.69 pence per mile

(ii) In exceptional circumstances and provided approval of the Committee Services Manager is obtained prior to the journey (see paragraph 1.16 of the Scheme) for journeys outside the District (essential user rate)

45 pence per mile*

(iii) Journeys by rail outside the District

standard open class rail fare

(iv) Cycling Allowance (HMRC Guidance)

20.4p per mile

* Normally for journeys outside of the district the equivalent of a standard open class rail will be paid.

Subsistence Allowances

Subsistence allowances will be payable to Members who are prevented by their official duties from taking a meal at their home, or place of work where they normally take their meals, and thereby incur additional expenditure. A Member will be required to submit receipts in order for reimbursement to be made.

Overnight Accommodation

Agenda Item 14

Annex 1

Members who are required to make overnight stays in the performance of their official duties should, whenever possible, pre-book accommodation of an appropriate standard and obtain approval from the Head of Legal and Democratic Services. Arrangements should be made for an invoice to be submitted directly to the Council. If this is not possible, a detailed VAT receipt MUST be obtained to substantiate the claim.

Out of Pocket Expenses

Expenses are claimable if a Member is required to stay away from home overnight. They cover such items as newspapers and personal telephone calls.

Allowances payable as at 01/04/2023

	Subsistence Allowances (£)	
Subsistence	Breakfast	7.36
	Lunch	10.17
	Tea	4.03
	Evening Meal	12.59
Out of pocket expenses	Per night	5.73
	Per week	22.90

**DUTIES WHICH ARE APPROVED FOR THE PURPOSE OF
CLAIMING TRAVELLING & SUBSISTENCE**

Representation on the following bodies

Action with Communities in Rural Kent (T)
Age UK: Thanet (T)
British Ports Association (TS)
British Destinations (AGM, Annual Conference and Executive meetings) (TS)
Campaign to Protect Rural England (T)
Citizens' Advice Bureau, Thanet (T)
Community Safety Partnership (T)
Domestic Violence Forum (T)
East Kent Opportunities Ltd (T)
East Kent Spatial Development Company (T)
Kent Police and Crime Panel (T)
Local Government Association Coastal Special Interest Group (TS)
Local Government Association Strategic Aviation Specialist Interest Group
Local Government Association District Council's Network (TS)
Local Government Association (General Assembly) (TS)
Manston Skills and Employment Board (T)
Margate Town Partnership (T)
Millmead Children's Centre Partnership (T)
Multiple Sclerosis Society (T)
Parking and Traffic Regulation Outside London (Adjudication Joint Committee) (T)
Powell Cotton Museum and Quex House (T)
River Stour (Kent) Internal Drainage Board (T)
Sandwich and Pegwell Bay National Nature Reserve Steering Group (T)
South East England Councils (SEEC) (TS)
Supporting People in Kent Commissioning Body (T)
Thanet Countryside Trust (T)
Thanet Harbour Users' Groups (T)
Thanet Quality Bus Partnership (T)
Thanet Rural Regeneration Group (T)
Thanet Sports Network (T)
The Friends of Margate Cemetery Trust (T)
Trust for Thanet Archaeology (T)
Tourism South East (T)
Your Leisure Thanet Sub-Group (T)
Youth Advisory Group (T)

(TS) Travel and Subsistence allowance may be claimed.

(T) Travel allowance only may be claimed.

REPRESENTATION ON AN OUTSIDE BODY FOR 2023/24

Council	13 July 2023
Report Author	Interim Deputy Committee Services Manager
Portfolio Holder	Leader of Council
Status	For Decision
Classification	Unrestricted
Key Decision	No

Executive Summary:

This report invites Members to consider and agree a nomination on a non executive outside body for 2023/24.

Recommendations:

1. That Council agrees that Councillor Mike Garner be the Council's nominee on the Thanet Rural Regeneration Group for 2023/24.

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

None

Risk Management

There are no risk implications arising directly from this report.

Corporate

The Council appoints representatives to outside bodies in order to express the views of the Council to those bodies on the work they undertake, and to feed back to the Council issues emerging from those bodies that relate to Council activities.

Equalities Act 2010 and 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, gender, 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 direct equalities implications to this report as although there are Councillors from the protected groups, there are no restrictions on who may be appointed to represent the Council on outside bodies.

Corporate Priorities:

- Growth
- Environment
- Communities

1.0 Introduction and Background

1.1 Council has two categories of outside bodies: those that relate to an Executive function and hence appointments should be made by the Cabinet, and those for which appointments should be made by Council.

2.0 The Current Situation

2.1 The list for non-executive outside bodies was agreed at Annual Council on 18 May 2023 and most of the nominations were agreed at that meeting.

2.2 Members are being asked to agree that Councillor Mike Garner be the Council's nominee on the Thanet Rural Regeneration Group for 2023/24.

3.0 Options

3.1 Members agree that Councillor Mike Garner be the nominee on the Thanet Rural Regeneration Group for 2023/24.

3.2 Members may opt to agree to a different proposal.

4.0 Decision Making Process

4.1 Council is the decision making body.

Contact Officer: Charles Hungwe, Interim Committee Services Manager

Reporting to: Nicholas Hughes, Committee Services Manager

Annex List:

None

Background Papers:

None

Corporate Consultation

Finance: N/A

Legal: N/A

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EXCLUSION OF PUBLIC AND PRESS

Meeting	13 July 2023
Report Author	Committee Services Manager
Status	For Decision
Classification:	Unrestricted
Key Decision	No

Executive Summary:

This report is necessary in order to exclude the press and public from the meeting for consideration of item 17. It will weigh the public interest factors for disclosure against the public interest factors for exemption and explain why the exemption factors take priority.

The report will also state which paragraph of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) the author is using in order to exclude the press and public from the meeting.

Recommendation(s):

That the public and press be excluded from the meeting for agenda item 17, as it contains exempt information as defined in paragraphs 1 & 2 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Corporate Implications

Financial and Value for Money

There are no direct financial implications.

Legal

As per Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

Corporate

Thanet District Council will endeavour to keep the number of exempt reports it produces to a minimum in order to promote transparency.

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, gender, 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 equity and equality considerations that need to be addressed in this report.

Corporate Priorities

This report does not directly relate to any of the corporate priorities:

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

1.0 Introduction and Background

1.1 Whilst the starting point for all public meetings of the Council is to admit the public and press, they may be excluded from meetings whenever it is likely, in view of the nature of the business to be transacted that confidential or exempt information would be disclosed. Under such circumstances, confidential or exempt information may be excluded from the public agenda. The public and press must be excluded from meetings if confidential information will be considered and disclosed, and such material must be excluded from the public agenda.

Meaning of confidential information

1.2 Confidential information means information given to the Council by a Government Department on terms which forbid its public disclosure or information which cannot be publicly disclosed by Court Order.

Exempt information – discretion to exclude public

1.3 Subject to Article 6 of the Human Rights Act 1998 (right to a fair trial) the public may be excluded from meetings whenever it is likely in view of the nature of the business to be transacted or the nature of the proceedings that “exempt” information would be disclosed.

2.0 Exempt Information

2.1 The full rules are set out in Part 1 & 2 of Schedule 12A of the Local Government Act 1972 (as Amended).

3.0 Reason Why Agenda Item 17 are considered to be “exempt”

- 3.1 The report author has classified Agenda Item 17 as disclosing exempt information under paragraph 1 – Information relating to an individual, and paragraph 2 - Information which is likely to reveal the identity of an individual of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended) thereby suggesting that the press and public be excluded from the meeting whilst these items are debated.

4.0 Justification/Public Interest Test

Public interest factors for disclosure

- 4.1 Factors suggested by the Information Commissioner as being relevant to an assessment of public interest apply to this information. Disclosure would:-
1. Further public understanding of the issues involved;
 2. Further public participation in the public debate of issues, in that disclosure would allow a more informed debate;
 3. Promote accountability and transparency by the Council for the decisions it takes;
 4. Promote accountability and transparency in the spending of public money;
 5. Allow individuals and organisations /external agencies to understand decisions made by the Council affecting their lives & activities and assist individuals to challenge those decisions;

Reasons in favour of disclosure of information specific to the issue in question

None.

Public interest factors for exemption

Considerations which may weigh against a decision to disclose information include:

1. Good local government depends on good decision-making and this needs to be based on the best advice available and a full consideration of all the options without fear of premature disclosure;
2. Advice should be broad based and there may be a deterrent effect on external experts or stakeholders who might be reluctant to provide advice because it might be disclosed;
3. The impartiality of the officers might be undermined if advice was routinely made public as there is a risk that officials could come under political pressure not to challenge ideas in the formulation of policy, thus leading to poorer decision making;
4. Members and officers also need to be able to conduct rigorous and candid risk assessments of their policies and programmes including considerations of the

pros and cons without there being premature disclosure which might close off better options;

5. There needs to be a free space in which it is possible to 'think the unthinkable' and use imagination, without the fear that policy proposals will be held up to ridicule;
6. Some aspects of Legal advice to Members may need to be taken in private as disclosure of such information would prejudice the position of Council in the event of Court proceedings taking place thereafter;
7. Local Councils are obliged to adhere to legislation that include the Data Protection Act, 1998; where appropriate and failure to do so may result in litigation against Council by an aggrieved party thereby putting at risk the general public interest to protect the public purse.

5.0 Not Excluding the Press and Public

- 5.1 There will be occasions when the meeting may decline to exclude the press and public from the meeting. If that occurs it does not simply mean that those members of the press and public who are present are allowed to stay for the discussion of the item(s). Declining to exclude the press and public would also mean that the press and public are allowed access to the actual report contained within the confidential part of the agenda (what Democratic Services refer to as the "pink pages").
- 5.2 Members may wish to note that if a committee member is of the view that it is possible that the recommendation in this report may not be approved at the meeting, they should let Democratic Services know (as soon as they have read the agenda papers before the meeting); in order that spare copies are made available ready to be distributed, if necessary, at the meeting.
- 5.3 If the referred item is not exempted, Democratic Services would also make arrangements for the report to be retrospectively published on the Council's website.

6.0 Decision Making Process

- 6.1 If the press and public are to be excluded for the agenda item; this Committee must exercise its power to agree the recommendation.

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

Reporting to: Chris Blundell

Annex List

None

Background Papers

None

Corporate Consultation

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

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By virtue of paragraph(s) 1, 2 of Part 1 of Schedule 12A of the Local Government Act 1972.

Document is Restricted

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