

MEETING OF THE COUNCIL



Thursday, 7th December, 2023

7.00 pm

**Council Chamber
Thanet District Council
Margate**

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Date: **29 November 2023**
Ask For: Gabriella Stewart
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You are hereby summoned to attend the meeting of the Thanet District Council to be held in the Council Chamber, Council Offices, Cecil Street, Margate, Kent on Thursday, 7 December 2023 at 7.00 pm for the purpose of transacting the business mentioned below.

A handwritten signature in black ink, appearing to read "I. M. Bran".

Head of Legal and Democracy & 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 Chair 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 - 22)

To approve the Minutes of the meeting of Council held on 12 October 2023, copy attached.

3. **ANNOUNCEMENTS**

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

4. **DECLARATIONS OF INTEREST** (Pages 23 - 24)

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.

<u>Item No</u>	<u>Subject</u>
5a	<u>YELLOW LINE PETITION</u> (Pages 25 - 30)
6.	<u>QUESTIONS FROM THE PRESS AND PUBLIC</u> (Pages 31 - 32) To receive questions received from the press or public in accordance with Council Procedure Rule 13.
7.	<u>QUESTIONS FROM MEMBERS OF THE COUNCIL</u> (Pages 33 - 36) To receive questions from Members of the Council in accordance with Council Procedure Rule 14.
8.	<u>NOTICE OF MOTION</u> To receive any Notices of Motion from Members of Council in accordance with the Council Procedure Rule 3.
8a	<u>MANSTON AIRPORT MOTION</u> (Pages 37 - 40)
8b	<u>ABUSE OF COUNCILLORS AND OFFICERS MOTION</u> (Pages 41 - 44)
8c	<u>NOTICE OF MOTION REGARDING NATIONAL GRID'S SEALINK PROJECT</u> (Pages 45 - 48)
8d	<u>FAIR TAX DECLARATION MOTION</u> (Pages 49 - 52)
9.	<u>LEADERS REPORT</u> (Pages 53 - 54) To receive a report from the Leader of the Council in accordance with Council Procedure Rule 2.4.
10.	<u>REPORT OF THE CHAIR OF THE OVERVIEW AND SCRUTINY PANEL</u> (Pages 55 - 68)
11.	<u>ADOPTION OF THE BIRCHINGTON NEIGHBOURHOOD PLAN</u> (Pages 69 - 72)
12.	<u>ADOPTION OF THE BROADSTAIRS & ST PETERS NEIGHBOURHOOD PLAN REVIEW</u> (Pages 73 - 76)
13.	<u>THE LOCAL GOVERNMENT BOUNDARY COMMISSION FOR ENGLAND REVIEW OF THANET DISTRICT COUNCIL - COUNCIL SIZE</u> (Pages 77 - 82)
14.	<u>MID YEAR REVIEW 2023/24: TREASURY MANAGEMENT AND ANNUAL INVESTMENT STRATEGY</u> (Pages 83 - 104)
15.	<u>KEY DECISION DEFINITION</u> (Pages 105 - 112)

Item
No

Subject

16. **REVIEW OF THE COUNCIL'S POLICY FRAMEWORK** (Pages 113 - 118)
17. **AMENDMENTS COUNCIL PROCEDURE RULES REGARDING FREQUENCY OF QUESTIONS** (Pages 119 - 124)

COUNCIL

Minutes of the meeting held on 12 October 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

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

1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Dawson, Rusiecki, P. Moore, Packman, Nichols and Towning.

2. 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 13 July 2023 be approved and signed by the Chair.

3. ANNOUNCEMENTS

There were no announcements.

4. DECLARATIONS OF INTEREST

There were no declarations of interest.

5. PETITIONS

(a) Jackey Bakers petition

Ms Tyrell presented a petition requesting that the Council improves its management of Jackey Bakers. This included improvements towards the facilities for football matches, bins to improve the amount of littering, updated and working changing room facilities and a hard standing car park to improve congestion. The proposed response notes that such improvements would be looked into by the Open Spaces team, this included signs regarding no parking, improvements to the facilities for football matches and additional bins.

Members noted that the petition had been signed by over 1500 people:

“Jackey Bakers is a public open space, given to the people of Ramsgate, by Dame Janet back in 1924. Over the years, we have seen a decline in the way Jackey Bakers is managed. We want a safe place to be able to walk our dogs, somewhere the children can run around and improved facilities for the weekly football matches. Jackey Bakers is lacking bins, both normal waste and dog waste. More bins should improve the amount of littering that is left on a daily basis. The changing room has had no hot water or electricity for a couple of years, meaning the footballers have nowhere to change or clean up. The football pitches are in a very poor state, not being rolled and the grass not

being cut, especially around the goals. This is causing injuries each week. Car parking is also another concern. Planning permission has previously been requested for a hard standing car park to be built at the Sainsbury's end of Jackey Bakers, yet has never happened. Highfield Road is becoming congested due to the amount of cars being parked there on a Sunday morning, and only recently caused issues for emergency services to get through. Each week the pitches are in use, funds are accumulating, but where is this money going? Some weeks, this amounts to just over £400! So let's all come together and make Jackey Bakers fit for purpose, by the people of Ramsgate, for the people of Ramsgate!"

During the debate the Leader noted that he would consider the petition at a future Cabinet meeting. Following the debate by Members, the petition was noted.

(b) **Northdown Park Petition**

It was noted that the council's response to the petition had been outlined in the agenda.

Members commented that they were pleased to see the Council's response to the petition. Northdown Park was considered an important green open space in Thanet. The petition was considered positive for the area, there had previously been some neglect to this area.

6. QUESTIONS FROM THE PRESS AND PUBLIC

(a) **QUESTION NO.1 FROM A MEMBER OF THE PUBLIC REGARDING THE ARLINGTON ARCADE**

Mr Lucy was not in attendance at the meeting to ask their respective questions. As a result this question would be responded to in writing after the meeting.

(b) **QUESTION NO.2 FROM A MEMBER OF THE PUBLIC REGARDING THE ENVIRONMENT AGENCY POLLUTION RISK ALERTS**

Ms Bailey asked Councillor Albon the following question:

"Environment Agency Pollution Risk alerts were issued at Viking Bay over several days at the height of the season. TDC put up warning notices, the RNLI flew red flags and ordered people out of the sea over a tannoy causing alarm. These widely reported alerts had a seriously detrimental effect on local businesses and the wider reputation of Broadstairs. According to the EA website, Pollution Risk Forecasts are made daily based on measurements of Rain, Tide, Time, Sunlight & Wind, however the seawater is only tested weekly. Do we know the accuracy of these 'forecasts', are they ever confirmed by retrospective testing? Is this arrangement between TDC and the Environment Agency optional? If yes, what is the rationale for signing up, how long is the agreement and can it be reviewed? If not, is there anything we can do to mitigate the adverse effects on tourism and businesses?"

Councillor Albon responded:

- The objective of the Pollution Risk Forecast (PRF) system is to alert beach users to the potential for temporarily increased bacteria levels in bathing waters. The Council displays notices to advise that a PRF is in place and this enables bathers to avoid times or locations where the risk of pollution is higher than normal and where health risks from bathing may be higher than the annual classification suggests.
- It is important to note that this is advice against bathing, this season the RNLI chose to fly a red flag at Viking Bay in response to pollution risk forecasts but they did not order members of the public out of the sea.

- PRFs are not directly linked to storm discharge notifications and are not informed by a water quality test; the forecast is generated by a model which considers weather, rainfall and tidal conditions in order to make a prediction. High rainfall is known to affect water quality on a temporary basis, mainly as a result of surface water runoff.
- There is no sampling undertaken to verify Pollution Risk Forecasts. However, routine compliance samples that indicate elevated bacteria levels taken during short term pollution may be excluded (disregarded) from the annual classification, provided that the signs have been correctly displayed to alert potential bathers of the PRF in place. In some circumstances the PRF scheme can therefore help to maintain the annual bathing water classification. The bathing water classification is an important qualifying criteria for Blue Flag and Seaside awards.
- There were more PRF's issued during July and August this year than in previous years this was directly linked with the unseasonal weather at the time. We understand the concerns of local businesses who may be impacted by poor weather during the summer season and the issuing of PRFs.
- Officers have therefore committed to engaging with the Environment Agency over the winter months to seek a review of how the PRF system is applied at Viking Bay and consider the council's participation in the scheme. This may also include working with the RNLI to review the use of a red flag during a PRF and consider other ways of communicating the warning to beach users.

(c) **QUESTION NO.3 FROM A MEMBER OF THE PUBLIC REGARDING THE LOCAL PLAN**

Mrs Brown asked the Leader the following question:

- 'If developers are asked to fund the full cost of the North Thanet link road and they say it is unviable to provide the agreed affordable housing on developments as set out in the Local Plan, there will be no benefit to the residents of Thanet. Gaining affordable and social housing for the district was the only advantage of allowing these developments. The mass development on some of the very best agricultural land in the country will be for the good of other local authorities, people wishing to move to the area and private investors. Local people will end up in a worse situation with all the infrastructure problems that entails.
- The current Local Plan is written in a way that allows this to happen, does TDC propose to address this in the Local Plan review to ensure this is not the outcome?'

The Leader responded:

- KCC are progressing a bid under the Department for Transport (DfT) Main Road Network (MRN) Fund to support the delivery of the North Thanet Link, a key part of the Inner Circuit proposed through the Local Plan. The bid is now one of only two priority schemes in Kent supported by Transport for the South East (TfSE), and KCC have received funding from DfT to develop the scheme to the next stage.
- If the Bid is successful, it would reduce those costs for the relevant developers, and enable more contributions to a range of other planning obligations, including affordable housing. However, if the bid is not successful, then the site developers will have to fund the provision of the scheme.
- Either way, the Council, as the local planning authority, is required to meet the housing needs for the district, as identified through the Government's housing "standard method". This is based on population change in the district over the Plan period, and is designed to meet a range of existing and future housing needs, and this is the primary benefit of new housing.

- This includes people already living in the district, including new households forming (for example, young people leaving the family home to set up their own home). It also includes people who move into the district. Planning for housing for people moving into the area is not only required by Government guidance, it is also important for local people, because it prevents them (particularly younger people on lower incomes) from being squeezed out of the local housing market.
- Government guidance supports the provision of affordable housing and key infrastructure through development contributions (whether by contribution or in kind/on-site). However, the guidance is also clear that, in setting requirements for development contributions, local planning authorities cannot impose a level of costs which effectively renders development sites unviable, and prevents housing from being delivered.
- Thus the Local Plan was itself subject to a high-level viability appraisal, and planning applications may also be accompanied by viability assessments that are independently assessed and verified. Where viability can be demonstrated to be an issue, then a decision has to be made about the priority and balance of s106 contributions to be provided.
- The clause in Local Plan Policy SP23 (that the requirement on housing developments for 30% affordable housing may be reduced if meeting them would demonstrably make the proposed development unviable) is in line with Government guidance, as was confirmed by the Local Plan Examination Inspectors.

7. QUESTIONS FROM MEMBERS OF THE COUNCIL

(a) QUESTION NO.1 FROM A MEMBER REGARDING THE USE OF GLYPHOSATE

Councillor Wing asked Councillor Albon the following question:

“How many litres of weed killer containing glyphosate were used by TDC in the last 4-years; (2019, 2020, 2021, 2022) and where was this applied, for example around parks, play grounds, building etc and why are we still using this out in our communities, giving residents no or little indication of its use or indeed, any choice to avoid, if being applied near them, when the International Agency for Research on Cancer classes glyphosate as ‘probably carcinogenic to humans’, and an increasing number of countries and councils within the UK have banned its in favour of alternative methods?”

Councillor Albon responded with the following points:

- Approximately 90 litres of Glyphosate have been used by the Council in each of the last four years.
- Legally enforceable conditions of use are imposed on the way products can be applied, to ensure the public are not exposed to levels of pesticides that would harm health or have unacceptable effects on the environment. Application is via spot treatment only, it is never sprayed openly and is not used in playgrounds, along the seafront, around trees, in flower beds or around shrubs and hedges.
- I could just say that if you’ve seen anybody spraying or whizzing a spray around as I have; it’s Kent County Council and not Thanet District Council.
- Glyphosate remains approved for use in the UK until at least 2025. The Health and Safety Executive notes that the responsible use of pesticides in amenity areas as part of an integrated programme of control can help deliver sustainable benefits for society. These include management of conservation areas, invasive species and flood risks; access to high quality sporting facilities; and safe public spaces (for example, by preventing weed growth on hard surfaces creating trip hazards), industrial sites and transport infrastructure.

- What I can also advise you, which you don't know, is that since we have been elected we have been considering the use of Glyphosate and we have suspended the use of Glyphosate.
- We have looked previously at alternatives, the alternatives do not do the job, they are not good enough. If we continue and do not use Glyphosate anymore, the issues will be from the residents; we all know that residents will complain more about the state of the weeds. We haven't got the resources to go and hand pull them up.

Councillor Wing asked a supplementary question as follows:

Had TDC suspended Glyphosate because it's the dormant season? And if it went back to using Glyphosate, would the Council pledge to inform residents where they're using it so that those residents can decide where to walk their dogs and avoid the areas where it was used.

Councillor Albon responded by confirming:

That TDC did not use glyphosate in the Winter. One of the things that officers were asked to do is to put signs up as to where Glyphosate was sprayed. Should its use continue, TDC would let all Members know where the signs were put up, but alternatives would continue to be sought.

(b) **QUESTION NO.2 FROM A MEMBER REGARDING THE JUDICIAL REVIEW OF THE MANSTON AIRPORT**

Councillor Worrow asked the Leader the following question:

"Will the leader welcome the clarity with which Mr Justice Dove confirmed that Mr Justice Lane was correct in determining in the High Court that Jenny Dawes had no arguable case for judicial review of the Manston Airport DCO, and will the leader tell us what action he is going to take in order to ensure that the cargo hub works in the interests of Thanet's residents?"

The Leader responded with the following points:

- It wasn't the job of Mr Justice Dove to decide whether Jenny Dawes had an arguable case, it was his job to decide the merits of the case, that's the decision he actually reached. As for clarity, we've been waiting for clarity for a very long time, we're not quite there yet.
- The delays in the process have been the cause of frustration to the council's local review process, and a final decision would be welcome. But there is still a further route to appeal and until the legal processes have been completed, there is a level of uncertainty.
- Once the legal processes have concluded, and, if the DCO stands at the end of them, the council will work with Riveroak Strategic Partners to consider all of the outstanding planning requirements, within the DCO, that have been reserved for the council to determine.
- Nine years of inaction at Manston have been a lost opportunity for the whole of Thanet. Whichever side of the debate you've been on, because our economy needs growth and growth could have been delivered at Manston by one solution or the other. The fact that we've had neither has been no benefit to the community. The uncertainty has been a blight on Ramsgate, because Ramsgate is principally the area affected by the flight path. But it's North Thanet that suffered most from the decision to protect the airport in the Local Plan and in particular, in July 2018, this Council moved 2,500 homes in the Local Plan from the airport, largely onto agricultural land, 1,600 of those were to the rural areas surrounding Westgate and Birchington. That's in the Council minutes and anybody can see it. Labour Group at the time was very small, did not support that proposal. Carbon emissions quite obviously respect no boundaries and they are

an issue and will continue to be. What I do want to say tonight is this administration will respect the outcome of the legal process and we will put the whole of Thanet first as we would do in every decision that we make. After all, Labour Councillors represent almost every part of it now.

Councillor Worrow asked a supplementary question:

Under the leadership of Clive Hart and then Iris Johnson, you and myself stood together in support of Manston Airport, will you publicly declare your support for Manston Airport?

Councillor Everitt responded by stating:

That he did not stand on a manifesto supporting the airport in 2015. He thought that the whole issue of the electors of Thanet casting their votes for and against the airport had been massively overstated by all sides. He confirmed that he had a view on the airport, but as leader he had a responsibility and intended to discharge that responsibility in a proper way.

(c) **QUESTION NO.3 FROM A MEMBER REGARDING THE REOPENING OF MANSTON AIRPORT**

Councillor Pugh asked the leader the following question:

“With the recent outcome of the Manston Airport Judicial Review announced, will this administration finally support the reopening of the airport?”

The Leader responded with the following points:

- It establishes the principle of reopening Manston Airport, what it doesn't do is prove is viability because that isn't the job of the Secretary of State or the minister and it wasn't the job of the judges and actually, if you read the reports and you read all the decisions, there's a considerable area of doubt about its viability. Some people have an almost religious faith in everything that Riveroak Strategic Partners say. The Conservative leaflets which I've referred to before, spoke of a £500 million investment and the potential for 23,000 jobs, which sounds very exciting. The only thing I want to know is where these 23,000 people are going to live, because presumably it's going to be in the fields of rural Thanet, because there isn't room for them in the towns.
- What we've heard from so many people is an act of faith that Riveroak can deliver, if they get the final legal permission. It won't be this Council that stops the airport being viable.

Councillor Pugh asked the supplementary question:

Would the Leader commit to an open and transparent way to have Riveroak in to present their proposals for the airport to all Councillors, whether that be at Full Council or in a Members Briefing so that all Members and Members of the Public as well can ensure that they have the facts and the information as it is. And also, will the Leader confirm particularly in comments I believe he made on ITV News or BBC Southeast, what he meant by certain planning hurdles or issues with planning that still maybe need to be resolved, because I'd like to think the Leader wasn't referring to any action by Labour Members of the Planning Committee to stop planning permissions being granted for structures and buildings on the airport site. Particularly as the Planning Committee is supposed to be non-political.

Councillor Everitt responded by stating:

- That he didn't talk about the planning process. He stated that there were legal hurdles as they needed approval from the Civil Aviation Authority and they need

lots of other technical approvals around the site. He confirmed that it was not up to him what the Planning Committee did, if matters went before the Planning Committee, it was a matter for them and that his members would behave with integrity and in an appropriate way, or they would no longer be members of his group.

- He also confirmed that he wrote to Tony Freudman on September 29th asking him to meet senior officers and himself, so they could discuss the way forward and how they could work together. Mr Freudman had agreed to this.

(d) **QUESTION NO.4 FROM A MEMBER REGARDING THE RESTORATION OF PASSENGER SERVICES AT MANSTON AIRPORT**

Councillor Dennis asked the Leader the following question:

"Will the leader confirm his support for the airport as they seek to restore passenger services as soon as possible?"

The Leader responded:

- The DCO application applied for consent to primarily establish a cargo hub at Manston airport with some provision for passenger services.
- Once the legal processes have concluded, and, if the DCO stands, the council will work with RSP (Riveroak Strategic Partners) to consider all of the outstanding planning requirements, within the DCO, that have been reserved for the council to determine. As for whether there'll be passenger flights and when they'll be, I think that's principally a matter for Riveroak Strategic Partners and will depend on the market.

(e) **QUESTION NO.5 FROM A MEMBER REGARDING WALKERS CONSTRUCTION**

Councillor Bambridge asked the Leader the following question:

"Walkers Construction recently closed the B2050 at Manston for several weeks during the recent school holidays. The consequences of this were as follows:

The owners of Manston Golf Club and their children's activity centre, Rascal Bay lost 60% of their expected revenue.

Chaos ensued as drivers used Spratling Street, Spratling Lane and Preston Road as uncontrolled rat runs.

Pedestrians were put at risk because no footpath arrangements were made to protect them from the huge increase in vehicular traffic during the road closure.

Stagecoach suspended their bus service through Manston village, leaving many people who depend on public transport totally isolated.

In view of all this, can Cllr Everitt inform me of what arrangements have TDC made to lobby KCC Highways and Highways England to ensure that this chaos is never allowed to happen again?"

The Leader responded:

- Kent County Council (KCC) are the Highway Authority and are responsible for coordinating the planning and scheduling of all work on the publicly maintainable highway. KCC operate a permit scheme with the following objectives:
- To carrying out road works more effectively, limiting disruption,
- To improve the consideration of people who live near, or travel through roadworks,
- To promote safer roadworks.

- The council receives advanced notification of street works and road closures for information. This ensures that impacts on services such as household waste collections can be mitigated.
- The works on the A256, Haine Road centred around the Viking roundabout are an improvement scheme undertaken in accordance with a S278 agreement between a developer and the highway authority.
- However such works are essential for the long term improvement and capacity of our road network. The safety of temporary traffic management is a core consideration of the contractor and the highway authority when works are planned and any concerns in this regard should be raised directly with KCC at the time they are observed. Disruption to residents and businesses is another important factor when planning works but where business representatives consider that they have been negatively impacted by temporary works or road closures they may choose to raise their concerns with the Highway Authority and/or the contractor, this is not however a matter for the district council.

Councillor Bambridge asked a supplementary question:

Would the Council monitor and manage all future requests?

The Leader responded by stating that the Joint Transportation Board had not been proceeding in a positive manner for some time now. The council would continue to lobby Kent County Council on these issues.

(f) **QUESTION NO.6 FROM A MEMBER REGARDING FARMLAND IN THE LOCAL PLAN REVIEW**

Councillor Braidwood asked the Leader the following question:

“The inclusion of greenfield in the current Local Plan is negatively impacting local tenant farmers and farmer/landowners alike. Their livelihoods rely on being able to continuously farm year on year. Parcelling off sections for development reduces viability of the remaining farmland, forcing them to consider other ways of maintaining their income, including turning farmland into solar installations. This decision is a direct result of the Local Plan including land for development on our grades 1, 2 and 3 agricultural land.

Does this administration accept this and what steps are being taken to ensure no further farmland is included in the Local Plan review even though it may be offered up in the latest call for sites?”

The Leader responded with the following points:

- The Council, as local planning authority, is required to meet the housing needs for the district, as identified through the Government’s housing “standard method”.
- In the 2006 Local Plan, the Council had to meet a lower housing target and was able to allocate on largely brownfield sites. In the five years following the adoption of the Plan, over 95% of completions were on brownfield land. Partly as a result of the successful “brownfield first” approach taken in that Plan, the district does not now have a significant stock of available brownfield sites, and the 2020 Plan had to accommodate a much higher housing requirement.
- As part of the Local Plan process, the Council carried out an extensive brownfield land search. In the absence of sufficient alternative sites to meet the housing requirements, the Council had to consider the use of farmland.
- The Council only allocates sites that have been submitted to it through the “call for sites” process, by landowners and their land/planning agents, who sometimes already have options agreements with developers/development agents.

- The scale of housing that needs to be met, and the extent to which agricultural land can be protected from development, are largely determined by Government guidance in the National Planning Policy Framework (NPPF) and Planning Practice Guidance (PPG).
- In March 2023, the Council made comments in response to the Government's consultation on the Levelling-Up & Regeneration Bill and proposed revisions to the National Planning Policy Framework. That response has been published on the Councils' web-site.
- In that response, the Council argued that the current housing "standard method" used by the Government to determine housing targets requires urgent review, and questioned the evidence for the Government's annual housing target of 300,000 dwellings.
- The Council also argued that proper protection should be provided in the National Planning Policy Framework (NPPF) for all best and most versatile farmland, pointing out that in Thanet, Grade 1 agricultural land comprises some 40% of the district area.
- Unfortunately, both the NPPF amendments and the review of inputs to the housing "standard method" have been delayed until 2024. The extent to which local planning authorities can protect farmland in future will be determined by whatever changes the Government makes to the current guidance.

Councillor Braidwood followed up his question by asking if the council had been in touch with local farmers to ask if there were any derelict farm buildings that are no longer used, which could be renovated to provide more housing in the district?

The Leader responded that this course of action had not be ruled out, and could be looked into.

(g) **QUESTION NO.7 FROM A MEMBER REGARDING THE EDGAR ROAD SITE BEING OCCUPIED BY RISE**

Councillor Bayford asked Councillor Whitehead the following question:

"As we do not currently have a communal residence for people registered as homeless, I'd like to know when the Edgar Road site is likely to be ready for occupation by RISE."

Councillor Whitehead responded with the following points:

- Rough sleeping and homelessness provision is of great importance to me; principally because one of my main reasons for first considering becoming a Councillor was my time spent volunteering at the Thanet Winter Shelter, and my belief that we needed to have year round, 24/7 and multi agency provision.
- I have always believed that it is our duty as a Council to provide long term, one site provision. Our first communal residence came about the last time I was Cabinet member for Housing, during the pandemic, and unfortunately ended due to the fact that we didn't own the building and were only leasing it until it was brought back into its usual usage.
- Across this period our communal accommodation typically housed between 20-25 people per night in individual rooms, with access to common areas and multi agency support.
- When this lease ended in February 2023 6 residents still required support into individual accommodation. From those six, four went into Temporary Accommodation and 2 went into RISE Supported accommodation.
- The benefits of this one site model are clear, especially for those with complex needs; through having this communal base and outreach we were the first Council in Kent to successfully offer and administer COVID vaccinations to those rough sleeping or known to RISE, as well as offering medical and dental services

- on site. The next step to take was to ensure that these services had a Council owned home, not subject to external lease or instability of provision linked to that.
- These services are provided via our RISE service that provides support for people that are at risk of rough sleeping in the district. Rough sleeping is a complex and highly individual matter; and the premise of our RISE team functions so well precisely because it recognises the importance of combined services, multi agency approaches, and genuine connection and understanding; these processes are often not short term, and building trust and belief in the ability of services to help, and individuals ability to empower themselves within their own tenancies is vital. This includes outreach services to provide support for people sleeping rough as well as help with finding and managing a home and with preventing eviction.
 - We have completed the acquisition of a large site in Edgar Road Margate, with the long term intention of converting it into self-contained homes for affordable rent. We are currently using it as our first ever council owned home for RISE, providing not only accommodation but also essential on site services and multi agency support for residents, to provide homes whilst building confidence and ability to maintain long term individual tenancies. This is a huge step forward for us, and an important and necessary investment in the health and wellbeing of our residents and community. It will increase the supply of available accommodation for homeless people. The Edgar Road site will provide sixteen units of independent accommodation within a communal building; providing access to support, as well as more independence and privacy than a shelter model.
 - We are currently completing essential health and safety works in the building and as soon as these are completed the service will be able to use the building. We anticipate residencies will begin from the 4th of November.
 - Unfortunately, as we have discussed many times in this Chamber, funding allocations are not continuous, which makes long term rough sleeping and homelessness planning challenging for all Councils. The RISE service currently has government funding until March 2025 and will be able to use the building in Edgar Road throughout this period; housing and homelessness is an absolute priority for this administration, as demonstrated by our commitment to increase our provision of social housing and in house temporary accommodation for local residents, and we will continue to bid and do our absolute best to secure funding for residents in need of this service.
 - As soon as Edgar Road is available, which should be by the 4th of November, we will have sufficient accommodation to accommodate every known rough sleeper in Thanet. All those currently accepting support from RISE will be able to access our first ever Council owned, multi agency rough sleeping provision, which is an exceptional achievement, and I thank RISE and Housing Officers for all their work on this project.

Councillor Bayford followed up her question asking whether the RISE team were able to provide their full services to homeless people in their current format, by meeting homeless people in multiple different locations?

Councillor Whitehead responded that the RISE team worked in many different ways, and outreach work was a huge part of this. The communal model was argued as providing the best possible outcome, however this should diminish outreach support, or ongoing work after people leave the centre.

(h) **QUESTION NO.8 FROM A MEMBER REGARDING THE LOCAL PLAN**

Councillor Kup asked the Leader the following question:

"When the Local Plan, which is a legal document, states that developers have to supply at least 30% affordable homes and land for schools and doctors surgeries, how can

developers not deliver this due to it not being “viable”. In the interest of local communities and our residents, how can we allow developers to contradict our Local Plan?”

The Leader responded:

- The Council did not.
- The Local Plan states, in Policy SP23 that the requirement on housing developments of more than 10 dwellings to provide 30% as affordable housing will only be reduced if meeting them would demonstrably make the proposed development unviable.
- If demonstrated and independently verified, it is not contradictory to allow a reduction.
- There are no cases where land required through planning policy for “schools and doctor surgeries” has not been provided.

Councillor Kup followed up his question by asking if developers did not fulfill their promises to deliver vital amenities for residents the carbon footprint would rise, what safeguards and conditions was the council willing to implement on any future planning application which comes forward?

The Leader responded that it was possible to force these contributions, however the workforce was not always there. For example when discussing the need for doctors surgeries and schools.

(i) **QUESTION NO.9 FROM A MEMBER REGARDING STRUCTURAL SURVEYS OF HERITAGE SITES**

Councillor Manners asked Councillor Albon the following question:

“We cannot afford to see more of our heritage allowed to fall into disrepair - Walpole Bay Pool comes to mind. When was the last structural survey made of the chalk reef foundation and pointing of the concrete blocks - are these investigations part of the bi-annual inspection process and if so can members please see the most recent survey report?”

Councillor Albon responded with the following points:

- The Walpole Bay Tidal Pool is inspected twice a year by the Technical Services Team as part of a programme of routine coastal inspections. The Autumn 2023 coast inspection is being carried out this week and the observations from this report can be shared for information upon request.
- Defects identified through routine coastal inspections are categorised on a priority basis for repair. Most repair work is funded via revenue budgets. However a capital coast protection scheme is planned for 2024 at Walpole Bay which will include works to the tidal pool. The schedule of works will include toe protection from undermining through erosion of the chalk reef, pointing works and concrete repair. This scheme will be funded via a mixture of Environment Agency grant and local levy funding.

Councillor Manners followed up his question by stating that it would be positive if there was a proper structural survey implemented.

(j) **QUESTION NO.10 FROM A MEMBER REGARDING THE GEORGE OSBOURNE TWO CHILD BENEFIT CAP**

Councillor Austin asked the Leader the following question:

“George Osborne’s two-child benefit cap, introduced in 2015, has been described by a leading academic as ‘the worst social security policy ever’. Far from increasing

employment, it's left families poorer, with families of as many as 1 in 4 children in our poorest constituencies at least £3,000 worse off.

What information do we have about the impact of this cap on families in Thanet? What measures can we take within our own District Council remit to reduce its negative effects at a time when so many families are struggling with cost of living increases?"

The Leader responded:

- There are a number of recent reports, from welfare agencies or research and policy units, that have analysed the two child limit and concluded it has a negative impact on families.
- Of note is the fact that the policy has been examined up to Supreme Court level, and found to not be in breach of the European Convention on Human Rights (ECHR).
- It's important to note that even if the two child limit were to be abolished (highly unlikely given the extensive testing in court that it has been put through above), that would not (of itself) simply 'hand back' lost benefit to those families caught by it. The overall national benefit cap could come into play for some of those families, if their income from all benefits (per annum) were to reach £22,020 (for families outside of London).
- In terms of understanding the impact of this policy locally, we only have limited knowledge. In our Housing Benefit and Council Tax Support (CTS) caseload, we know how many children are in each family (approximately 830 families have more than two children). What we cannot know is how many families receive no welfare support because of the limit (i.e where they would have an entitlement to state welfare support, after taking into account their income, if there was no limit on the number of children). For Housing Benefit, we cannot amend the rules locally – the regulations apply nationally, so the 2 child limit has applied since 2017. Some customers who have been in receipt of Housing Benefit since before 2017 may not be impacted by the 2 child limit rule.
- Council Tax Support, the council can set its own rules – The scheme in place at Thanet is based on the traditional Council Tax Benefit rules, which are inherently linked to Housing Benefit rules. As a result, the local CTS scheme also contains a 2 child limit in the majority of cases. However, where a customer is in receipt of CTS, the council could choose to increase the generosity of the CTS scheme, and allow payment for more than two children – but that would come at a cost. Every additional £1 of CTS awarded is £1 less council tax collected. It would result in decreased revenue for council tax preceptors, such as Kent County Council. Any changes to the CTS scheme would require public consultation. And a scheme can only be amended from 1 April each year – schemes cannot be amended 'in year'.
- Thanet District Council does have funding to help local people on low incomes – the Household Support Fund is used to assist people. For 2023, Thanet's budget is £521,000.
- The Household Support Fund Tranche 4 is currently being allocated to agencies across Thanet to allow families who are struggling with the cost of living to apply for support. This includes support for household items, food, increased energy costs and rent arrears which are as a result of the cost of living increases.
- In addition, Discretionary Housing Payments can provide additional interim support for housing-related costs, particularly where households have experienced an income shock.
- The council also provides support to its own tenants, through our dedicated Financial Wellbeing team. This support includes:
- identifying financially struggling households (There are currently 455 children living in tenant's families affected by the two-child limit and 143 households affected by the benefit cap), providing benefits and money advice to help manage

finances and maximise entitlements, and making referrals are made to other specialist support services.

- The council had committed to the delivery of at least 400 affordable rented homes over 4 years. The programme will deliver a range of sizes of rented homes, including larger homes for families with more than 2 children.

Councillor Austin followed up her question by asking whether the Leader would write to the opposition party asking to lift the cap?

The Leader responded that the council would continue to lobby colleagues in the Labour Party. The real changes would be present within the benefit system whilst regarding lifting the cap.

(k) **QUESTION NO.11 FROM A MEMBER REGARDING THE PUBLIC SPACE PROTECTION ORDER**

As a result of timings of questions for Members over-running, the question from Councillor Munns would be responded to in writing after the meeting.

(l) **QUESTION NO.12 FROM A MEMBER REGARDING THE PARKING REVIEW**

As a result of timings of questions for Members over-running, the question from Councillor Rattigan would be responded to in writing after the meeting.

(m) **QUESTION NO.13 FROM A MEMBER REGARDING MINSTER MARSHES**

As a result of timings of questions for Members over-running, the question from Councillor Smith would be responded to in writing after the meeting.

(n) **QUESTION NO.14 FROM A MEMBER REGARDING A LACK OF PARKING ENFORCEMENT**

As a result of timings of questions for Members over-running, the question from Councillor Rogers would be responded to in writing after the meeting.

(o) **QUESTION NO.15 FROM A MEMBER REGARDING IMPROVEMENTS TO THE STANDARDS OF HOUSING STOCK**

As a result of timings of questions for Members over-running, the question from Councillor Scott would be responded to in writing after the meeting.

(p) **QUESTION NO.16 FROM A MEMBER REGARDING THE REGENERATION SIMPLIFICATION PATHFINDER PILOT SCHEME**

As a result of timings of questions for Members over-running, the question from Councillor Davis would be responded to in writing after the meeting.

8. NOTICE OF MOTION

(a) **Motion regarding pausing new planning permissions for major applications**

During the last meeting of Council, Thursday 13 July 2023, Members agreed to debate the motion regarding pausing new planning permissions for major applications.

Councillor Garner read the motion as followed:

“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:

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?

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. How many previously approved planning applications are still to commence development?

How many of the already approved numbers of affordable homes have been built and made available at an affordable price?

Have the GP surgeries, primary schools, social amenities promised in previously approved planning applications been adequately delivered by the builders? 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 process as a guide for that review.’

During debate Members made the following comments:

- The council recognised the general concern in which the motion puts forth.
- There was some risk in the motion misleading residents on what the council could and could not do legally.
- It was of importance to provide ecologically safe and sound homes for Thanet. • There were no sustainable or affordable houses being produced in the district, this was an issue.
- A short pause in considering new large applications was considered a sensible and reasonable measure.

Councillor Worrow and Councillor Wing recorded their vote in favour of the motion under Council Procedure Rule 17.5.

Members voted against the motion. The motion was lost.

9. LEADERS REPORT

The Leader, Councillor Everitt, presented his report to Council, covering the following key points:

- Bin strikes disrupted services for residents but also damaged public confidence in the council. An agreement had been reached with the GMB to resolve the dispute.

- The Ramsgate Market went out to tender in August 2023 and an experienced operator had been appointed to deliver the market from April 2024.
- Tenders for lifts at Leopold Street had been achieved.
- It was being proposed to increase the street cleansing resource on a permanent basis under 2024 budget.
- During the summer months the council had installed 80 additional purple wheelie bins and 75 large waste bins in locations around the coast.
- Beach toy collection points was a success during the summer months. • There had been major challenges with the removal of seaweed, approximately 1,000 tonnes had been removed in 2023.
- Public toilets was an ongoing concern to the council.
- The administration would expand and accelerate on the in-house accommodation for residents.
- Following the district boundary review, boundaries may need to be redrawn. This would strengthen relationships between the council with parish and town councils.

Councillor Pugh, as Leader of the Conservative Group, made the following points:

- It was positive that the dispute with the GMB had been resolved.
- Increasing members allowances was a rash decision, and was not considered positive.
- How will new services proposed by the administration be funded?
- Manston airport had not been included in the leaders report, this was an important factor in the council moving forth.

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

- The increase in allowance was the first increase in 10 years, and was of importance.
- The last Labour administration took place during the pandemic.
- It had been challenging to remove the seaweed, as there had not been enough resource to remove this.
- Manston airport was not in the report.

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

- Thanks were given to the officers and the GMB.
- The news of Ramsgate Market reopening was positive, the council would look forward to seeing this in the future.
- Congratulations were given to the private sector housing on achieving awards. • The parking review was long overdue and was welcomed.
- It was agreed that issues surrounding public toilets needed to be tackled urgently.
- It was disappointing that bins had been removed without replacement bins being installed.

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

- Ramsgate Market would reopen in the Town Centre.
- It was disappointing concerning the bins disappearing, this would be looked into by the relevant head of service.
- The parking review provided an opportunity for the council to be involved.
- Councillor Worrow, as Leader of Thanet Independents, made the following points:
- The bandstand project near Walpole bay was important to residents, funding had been removed from this project. This was disappointing.
- The administration was Ramsgate centric.

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

- It was disappointing that funding had fallen aside for the bandstand project.
- The council intended to deliver for all areas of Thanet. It was not focussed solely on Ramsgate.

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

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

- It was a busy time for the Overview and Scrutiny Panel.
- Discussions had included the negative impacts of tourism in Thanet.

Members noted the report.

11. ADOPTION OF THE WESTGATE-ON-SEA NEIGHBOURHOOD PLAN

It was proposed by the Leader, seconded by Councillor Albon and Members agreed the recommendations of the adoption of the Westgate-on-Sea neighbourhood plan, namely:

'That Thanet District Council make the Westgate-on-Sea Neighbourhood plan.'

12. ANNUAL TREASURY MANAGEMENT REVIEW 2022/23

Councillor Yates proposed, Councillor Duckworth seconded and Council agreed the recommendations of the annual treasury management review 2022/23, namely:

'That Council:

1. Notes the actual 2022/23 prudential and treasury indicators in this report;
2. Approves this Annual Treasury Management Report for 2022/23.'

13. BUDGET MONITORING 2023/24: REPORT NO.1

Councillor Yates proposed, Councillor Keen seconded and Council agreed the recommendations of the budget monitoring 2023/24: report no.1, namely:

- '1. That Council approve the supplementary budgets for:
- i. The £10k requirement for the Legal system upgrade to be funded from reserves as set out in section 2.1.
 - ii. The £154k identified at section 2.2 from the Business Rates Growth Reserve to fund the Legal and Procurement fees associated with Port projects.
2. That Council approves the supplementary capital budgets, numbered i to vii inclusive, as set out in section 3 to this report.'

14. AMENDING THE MEMBERS ALLOWANCE SCHEME 2023/24

The Leader proposed, Councillor Whitehead seconded the following recommendation:

'To adopt the proposed amended 2023/24 Members' Allowances Scheme as set out at annex 1 to this report inclusive of the 10% increase to basic and special responsibility allowances and to index link a yearly rise in allowances to the cost of living increase that staff members receive and to refer the scheme to EKJIRP to consider, with any amendments being reported back to Council.'

Councillor Worrow recorded their vote against the recommendation under Council Procedure Rule 17.5.

Councillor Wing recorded their vote to abstain against the recommendation under Council Procedure Rule 17.5.

When put to the vote, Members agreed the recommendation.

15. FUNDING NEW AFFORDABLE HOMES

Councillor Whitehead proposed, Councillor Yates seconded and Members agreed the recommendations as set out in the report be adopted namely:

'It is recommended that Council:

1. Approve an additional interim budget of £12m to the single acquisitions and development budget to continue delivering the accelerated affordable housing delivery pledge.
2. Note that detailed projects will continue to be presented to the Cabinet for approval as they are identified.'

16. REVIEW OF OUTSIDE BODIES

The Chair proposed, the Vice Chair seconded and Council agreed the recommendations of the review of outside bodies for 2023/23 be adopted namely:

1. That Council agrees the updated list of Executive appointed outside bodies;
2. That Council agrees the updated list of Non-Executive outside bodies.

17. CHANGES TO COMMITTEE'S

The Chair proposed, the Vice Chair seconded the recommendations in the report be set out.

The Leader had informed Democratic Services that he wished to replaced Councillor W. Scobie with Councillor Everitt as a member on the Boundary and Electoral Arrangements Working Party Committee.

Councillor Pugh had no new nomination changes.
Councillor Garner had no new nomination changes.
Councillor Worrow had no new nomination changes.

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

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

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

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

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

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

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

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

An associated person is defined as:

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

An Authority Function is defined as: -

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

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

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

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

Gifts, Benefits and Hospitality

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

What if I am unsure?

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

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

Response to Yellow Line Petition

Meeting	07 December 2023
Report Author	Nicholas Hughes, Committee Services Manager
Portfolio Holder	Councillor Keen, Cabinet Member for Neighbourhoods
Status	For Information
Classification:	Unrestricted
Ward:	Beacon Road

Executive Summary:

The report outlines a petition that was received by the Council. The petition requests that the Council install double yellow lines at the junction of Westover Road and Northdown Hill.

Recommendation(s):

The report is for information only.

Corporate Implications

Financial and Value for Money

Response to petition has no financial implications.

Legal

Response to petition has no legal implications.

Risk Management

Response to petition poses no considerable risk to the council.

Corporate

Petitions are an important way of the public engaging with the Council on matters of importance to them and responses should be timely and in accordance with the Council's agreed procedures.

Equality Act 2010 & Public Sector Equality Duty

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

(iii) foster good relations between people who share a protected characteristic and people who do not share it.

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

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

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

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities and Community engagement.

1.0 Introduction

1.1 The Council received a petition with 138 valid signatures on 19 January 2023 relating to a request for the introduction of double yellow lines at the junction of Westover Road and Northdown Hill in Broadstairs. This was in order to improve safety for road users, particularly elderly pedestrians, those with poor eyesight, anyone with limited mobility, parents and carers.

2.0 The Current Situation

2.1 The petition contained the following petition prayer:

“We, the undersigned Thanet residents, concerned about road safety at the junction of Westover Road and Northdown Hill, call upon Thanet District Council to install double yellow lines at this junction.

Due to the vehicles parked at the location it is dangerous for pedestrians to cross especially the elderly, those with poor eyesight, anyone with limited mobility, parents and carers with children and buggies.

The additional housing proposed for the former gasworks site means even more vehicles will try to use this already busy junction.”

2.2 The Response

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

3.0 Decision Making Process

- 3.1 Under the terms of the Council's petitions scheme, if a petition has over 50, but less than 1500 signatories, it will be presented to a senior Officer of the Council who, after consultation with the relevant portfolio holder, will respond. Then a report on that Petition noting what action has been taken will be referred to the next meeting of Cabinet or Council for their information.

Contact Officer: Nicholas Hughes (Committee Services Manager)

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Corporate Consultation

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

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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Agenda Item 5a

Annex 1

Copy of Email From: Penny Button (Head of Neighbourhoods) to Petitioner Councillor Matterface
Sent: 08/11/23

Good Evening Cllr Matterface,

Further to our conversations and communications regarding this request I wanted to confirm in writing that we will be including proposals for double yellow lines around the Northdown Hill and Westover Road junction in our next consultation and order review.

The extent of the proposals, as suggested, will be alongside number 77-79 Westover Road, CT10 3EX continuing onto Northdown Hill to the bus stop and from number 102 Westover Road to numbers 2-8 Northdown Hill CT10 3JH.

As you are aware the process for double yellow lines requires public consultation, JTB ratification, further consultation and then preparing and sealing of the order before they would be enforceable.

Thank you for bringing this to our attention.

Kind regards,
Penny

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QUESTIONS FROM THE PRESS AND PUBLIC

Council	07 December 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 Chair 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: Ingrid Brown (Head of Legal and Democracy & 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: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

QUESTIONS FROM THE MEMBERS OF THE COUNCIL

Council	07 December 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.

Risk Management

There are risks arising directly from this report. It is however important for the Council to adhere to the constitutional provisions when processing Member questions to Council in order to maintain credibility of the process.

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: Ingrid Brown (Head of Legal and Democracy & 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 Resources & S151 Officer

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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NOTICE OF MOTION REGARDING MANSTON AIRPORT AND RIVEROAK

Council:	07 December 2023
Report Author	Nick Hughes, Committee Services Manager
Portfolio Holder	Councillor Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation
Status	For Decision
Classification:	Unrestricted
Ward:	All Wards

Executive Summary:

This Council will consider a notice of motion requesting that the Council invite Tony Freudmann and the RiverOak team to make a presentation regarding Manston Airport to the Full Council before 1st March 2024.

Recommendation(s):

With reference to the options in section 2.0 of the report, Council is invited to consider the motion.

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 Worrow in accordance with Council Procedure Rule No. 3:

“As the democratically elected representatives of the people of Thanet, we recognise that the time has come for us to put our political differences aside, and to acknowledge that we are duty bound to welcome with open arms, the inward investment that is so crucial to the economic growth necessary in order to create the jobs needed for our children and grandchildren.

Manston Airport is of vital concern to local residents, therefore, it is in the interests of everyone living in Thanet to hear the current proposals of RiverOak Strategic Partners, and for us as their district councillors, to put our words into action, and as previously mentioned, to invite Tony Freudmann and the RiverOak Team to make a presentation to the Full Council, which is to be an extraordinary meeting no later than the 1st March 2024.”

2.0 Options

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

3.0 Decision Making Process

- 3.1 If the motion is debated, at the end of the debate a vote will be taken to agree the motion or not. As only Council can agree to this motion, if the motion falls then it will not be referred to any other committee.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & 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 - Section 151)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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NOTICE OF MOTION REGARDING ABUSE OF COUNCILLORS AND OFFICERS

Council:	07 December 2023
Report Author	Nick Hughes, Committee Services Manager
Portfolio Holder	Councillor Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation
Status	For Decision
Classification:	Unrestricted
Ward:	All Wards

Executive Summary:

This Council will consider a notice of motion requesting that the Council challenges the normalisation of abuse against Councillors and Officers and uphold exemplary standards of public life and political debate.

Recommendation(s):

With reference to the options in section 2.0 of the report, Council is invited to consider the motion.

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 equality 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 Whitehead in accordance with Council Procedure Rule No. 3:

"The intimidation and abuse of Councillors and Officers, in person or otherwise, undermines democracy, preventing elected members from representing the communities they serve, deterring individuals from standing for elections, and undermines public life, democratic processes and working representation.

This Council notes that increasing levels of toxicity in public and political discourse is having a detrimental impact on local democracy and that prevention, support and responses to abuse and intimidation of local politicians and Officers must improve to ensure Councillors and employees feel safe and able to continue representing their residents.

We therefore commit to challenge the normalisation of abuse against Councillors and Officers and uphold exemplary standards of public life and political debate in all we do. The Local Government Association's Debate Not Hate campaign aims to raise public awareness of the role of Councillors in local communities, encourage healthy debate and improve the response to and support those in public life facing abuse and intimidation.

To tackle these issues effectively, we agree:

1. *That the Council signs up to the Local Government Association's Debate Not Hate campaign.*
2. *That the Leader of the Council writes to the local Members of Parliament to ask them to support the Debate Not Hate campaign;*
3. *That the Leader of the Council writes to the Government to ask them to work with the Local Government Association to develop and implement a plan to address abuse and intimidation of politicians;*
4. *That we collectively and individually support Councillors and Officers facing harassment and abuse, and model positive behaviour and positive politics in our political lives;*
5. *That we make support and relevant training available to Councillors in relation to abuse and intimidation and that Councillor safety related to this is explicitly included as part of our Member Induction Programme."*

2.0 Options

- 2.1 To debate the motion,
- 2.2 Not to debate the motion, in which case the motion will fall

3.0 Decision Making Process

- 3.1 If the motion is debated, at the end of the debate a vote will be taken to agree the motion or not. As only Council can agree to this motion, if the motion falls then it will not be referred to any other committee.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & 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)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

NOTICE OF MOTION REGARDING NATIONAL GRID'S SEALINK PROJECT

Council:	07 December 2023
Report Author	Nick Hughes, Committee Services Manager
Portfolio Holder	Councillor Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation
Status	For Decision
Classification:	Unrestricted
Ward:	All Wards

Executive Summary:

This Council will consider a notice of motion regarding concerns regarding the National Grid's Sealink Project.

Recommendation(s):

With reference to the options in section 2.0 of the report, Council is invited to consider the motion.

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 equality 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 Everitt in accordance with Council Procedure Rule No. 3:

"Council acknowledges the considerable public concern over the impacts of National Grid's Sealink project, which is currently the subject of a statutory consultation process. We share this concern, and wish to reassure residents that their views are heard and understood.

We recognise the need to adapt the electricity transmission network in order to respond to rising demand and the move to sustainable generation methods in new locations.

We welcome the extensive engagement by National Grid with both elected members and the communities in Thanet most affected.

Council agrees that it does have major concerns regarding the proposed location on Minster Marshes; the scale of the converter building, as well as the effects of the associated infrastructure; the significant impact on protected wildlife and species habitat both during construction and afterwards; and the potential change to the character of the landscape.

While this council is not a decision-maker in respect of this development, we commit to making and publishing a formal response to the current consultation that highlights these issues and our concerns about them."

2.0 Options

- 2.1 To debate the motion,
- 2.2 Not to debate the motion, in which case the motion will fall

3.0 Decision Making Process

- 3.1 If the motion is debated, at the end of the debate a vote will be taken to agree the motion or not. As only Council can agree to this motion, if the motion falls then it will not be referred to any other committee.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & 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 - Section 151)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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NOTICE OF MOTION REGARDING FAIR TAX DECLARATION

Council:	07 December 2023
Report Author	Nick Hughes, Committee Services Manager
Portfolio Holder	Councillor Yates, Cabinet Member for Corporate Services
Status	For Decision
Classification:	Unrestricted
Ward:	All Wards

Executive Summary:

This Council is being asked to consider a notice of motion requesting that the Council resolves to approve the Fair Tax Declaration. This would include the Council leading by example and demonstrating good practice in their tax conduct.

Recommendation(s):

With reference to the options in section 2.0 of the report, Council is invited to consider the motion.

Corporate Implications:

Financial and Value for Money

There are no financial implications arising directly from this report. Subject to Councillors agreeing to defer the motion, the full financial implications will be set out in a report to the next meeting of Full Council.

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*)

Risk

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 equality 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 Austin in accordance with Council Procedure Rule No. 3:

“The Green Group is proposing this motion to highlight the positive role that tax plays in our society. Tax should not be seen as a burden, as it is characterised by some politicians and certain media. If we all pay our fair share, it is a means of funding essential public services and ensuring all our communities are properly supported.

As a responsible public body, we want to lead by example, to stand up for better standards and campaign to change public procurement rules. Between 2014 and 2019, 17.5% of public procurement contracts were won by businesses with a connection to a tax haven. We find this unacceptable - and so do the majority of the public. Polls show over 60% of people believe public bodies should be able to consider company ethics and responsible tax conduct when awarding contracts to suppliers - but at present we are not permitted to do so.

We are therefore asking Council to support the following motion:

This Council resolves to:

Approve the Councils for Fair Tax Declaration.

Lead by example and demonstrate good practice in our tax conduct, right across our activities.

Ensure IR35 is implemented robustly and contract workers pay a fair share of employment taxes.

Not use offshore vehicles for the purchase of land and property, especially where this leads to reduced payments of stamp duty.

Undertake due diligence to ensure that not-for-profit structures are not being used inappropriately by suppliers as an artificial device to reduce the payment of tax and business rates.

Demand clarity on the ultimate beneficial ownership of suppliers UK and overseas and their consolidated profit & loss position, given lack of clarity could be strong indicators of poor financial probity and weak financial standing.

Promote Fair Tax Mark certification especially for any business in which we have a significant stake and where corporation tax is due.

Support Fair Tax Week events in the area, and celebrate the tax contribution made by responsible businesses are proud to promote responsible tax conduct and pay their fair share of corporation tax.

Support calls for urgent reform of UK procurement law to enable local authorities to better penalise poor tax conduct and reward good tax conduct through their procurement policies.”

2.0 Options

- 2.1 To debate the motion - please refer to paragraph 3.0
- 2.2 Not to debate the motion, in which case the motion will fall.

3.0 Decision Making Process

- 3.1 As only Full Council can agree to this motion, if the motion falls then it will not be referred to any other committee.
- 3.2 If Members vote to debate the motion, then Members should consider paragraph 3.8 (viii) of the Council Procedure Rules. It states ‘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,'

- 3.3 As such, Council should defer the item to the next regular Full Council meeting where it can receive a full report on the financial and legal impact of the proposed motion. This will allow for a full and informed debate on the motion. At the end of that debate Full Council can then choose to adopt the motion or not.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & 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 - Section 151)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

LEADER'S REPORT TO COUNCIL

Council	07 December 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: Ingrid Brown (Head of Legal and Democracy & 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: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Overview & Scrutiny Panel Chair's Report to Council

Council	7 December 2023
Report Author	Committee Service Manager
Status	For Information
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 12 October 2023.

2.0 THE WORK PROGRAMME

Scrutiny Review Topics

- 2.1 At the Panel meeting on 30 May 2023, Members put forward a number of topics and these were finalised at the July meeting. The matrix for scoring and prioritising review topics is attached as Annex 2 to the report. If the list is not progressed to completion during the current year, any remaining topics would then be carried over into the following municipal year.
- 2.2 The Panel agreed to investigate the following topics:
1. Impact of tourism
 2. Fly tipping and abandoned vehicles;
 3. Grant funding review.
- 2.3 The Tourism Working party met on 26 October and took evidence from Penny Button. They are going to meet again on 30 November to put together main points for drafting their report. This session would include collecting more evidence from TDC Members who may wish to share their views with the sub group.
- 2.4 Annex 1 is the work programme and Annex 2 is the scoring matrix table. Annex 3 is the table that reflects the distribution of the OSP work programme.

Cabinet Presentations at OSP Meetings

- 2.5 Members requested the following cabinet member presentations:
- A presentation on the Parking Strategy;
 - A presentation on broken household waste/recycle and green waste bins at the Panel meeting on 21 November 2023.
- 2.6 Members could also identify subject items for presentation from the Forward Plan or any emerging topical issues which may have a significant public interest, where the Panel may feel that their contributions would enhance the decision making process.
- 2.7 Annex 3 shows the distribution mix of the Panel's work programme which highlights pre decision and post decision scrutiny work as well as cabinet member presentations and the work programming activities.

Key Decisions

- 2.8 There was now an arrangement between Cabinet and the Overview & Scrutiny panel that all key decisions need to be reviewed by the Panel before Cabinet approved such decision decisions. This would increase the role that non cabinet members play in shaping future key decisions and strategic decisions that are being made by the Council.
- 2.9 The following key decision items are going to be reviewed by the Panel in the last half of the 2023/24 municipal year:

- Public Toilets refurbishment and renewal project - 6 December 2023 extraordinary OSP meeting;
- Jackey Bakers Recreation Ground- 6 December 2023 extraordinary OSP meeting;
- Adoption of a Combined Surveillance/CCTV/Image recording technologies Policy - 21 November 2023 meeting;
- Purchase of Section 106 Affordable Housing Units - 21 November 2023 meeting;
- Department for Levelling Up, Housing and Communities externally funded projects approvals - 16 January 2024 meeting;
- Changes to the statutory Instrument governing the level of fines for fly tipping, Breach of Duty of care - 15 February 2024 meeting.

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, Deputy Committee Services Manager

Reporting to: Nick Hughes, Committee Services Manager & Deputy Monitoring Officer

Annex List

Annex 1: OSP Work Programme for 2023/24

Annex 2: Scrutiny Scoring Matrix Table for 2023/24

Annex 3 : OSP Pre and Post Decision Scrutiny for 2023/24

Background Papers

None

Corporate Consultation

Finance: Chris Blundell, Director of Corporate Resources & S151 Officer

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

Overview & Scrutiny Panel Work Programme for 2023/24		
Meeting Date	Indicative Agenda Items	Issue Source
21 November 2023	Cabinet Member Presentation - TDC Policy on Broken Bins for Households	Panel Requested Item
	Adoption of a Combined Surveillance/CCTV/Image recording technologies Policy	Community Safety Item
	Purchase of Section 106 Affordable Housing Units	Housing Item
	Budget Monitoring 2023/24: Report No.2	Finance Standing Item
	Q1 and Q2 TLS performance report	Housing Item
	Establishing the OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
06 December 2023	Public Toilets refurbishment and renewal project	Coastal and Public Realm Item
	The re-tendering of the responsive repairs contract	Housing Item
	Jackey Bakers Recreation Ground	Coastal and Public Realm Item
	Tenant and Leaseholder Services Q2 report for 2023/24	Housing Item
16 January 2024	Cabinet Member Presentation	Panel Requested Item
	Department for Levelling Up, Housing and Communities externally funded projects approvals - 16 January 2024 meeting	Regeneration Item
	Budget 2024/25 including Fees and Charges	Finance Item
	HRA Budget 2024/25	Finance Item

	Draft Corporate Plan for 2024-28	Strategy and Transformation Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
15 February 2024	Cabinet Member Presentation	Panel Requested Item
	Changes to the statutory Instrument governing the level of fines for fly tipping, Breach of Duty of care	Neighbourhoods Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
12 March 2024	Cabinet Member Presentation	Panel Requested Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
18 April 2024	Cabinet Member Presentation	Panel Requested Item
	Budget Monitoring 2023/24: Report No.3	Finance Standing Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item
28 May 2024	Cabinet Member Presentation	Panel Requested Item
	Review of OSP Work Programme for 2023/24	Standing Agenda Item
	Forward Plan & Exempt Cabinet Report List	Standing Agenda Item

Agenda Item 10

Annex 1

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Table as at November 2023

Title Of the Scrutiny Review	Review Type	Date added to the scoring table	Membership	Is the topic related to a priority or value within the Council's Corporate Plan?	Is the topic of high public concern?	Is the topic currently under performing as per the Council's quarterly performance monitoring?	Will the topic result in recommendations that save that Council money or generate income?	Time on the list?	Implications for officer resource allocation	Total	Rank	Completion Status
<p>topic: Planning Enforcement Review</p> <p>Question: a review into Planning enforcement procedures, protocols, and responsibilities. This is an area of great concern to both members of the public and other bodies, such as Parish councils. "Maintaining strong enforcement action..." is listed as a priority in the current Corporate Plan.</p>	B	23/6/23	TBC	20	10	0	0	0	10 - 1- 3 Months review	40	T-4th	
<p>topic: Fly tipping and abandoned vehicles</p> <p>Question: Fly tipping and rubbish is becoming worse across the district. It is costing the council more money to tackle the issues and with the risk of closure of the KCC waste and recycling centres. We need to ensure there is enough support to ensure officers have the resources, processes and equipment to ensure effective and efficient delivery.</p>	B	23/6/23	TBC	20	10	0	10	0	10 - 1- 3 Months review	50	T-2nd	
<p>topic: Review of Protocols and Procedures for Emergency Decisions</p> <p>Questions: I write to request a review of the protocols and procedures regarding the making of Emergency decisions, particularly regarding Berths 4 & 5 at the port of Ramsgate, along with previous decisions regarding Berths 2 & 3. To "Continue to look for a viable future for the Port of Ramsgate and the Royal Harbour for the benefit of the town and the wider district" is a stated priority in the current Corporate statement.</p>	A	23/6/23	TBC	0	10	0	0	0	20 - up to 1 month	30	7th	
<p>topic: Health and Wellbeing</p> <p>Question: What ways we might work more effectively with partners to boost health & well-being in Thanet.</p>	B	23/6/23	TBC	20	0	0	10	0	10 - 1- 3 Months review	40	T-4th	
<p>topic: Impact of tourism</p>	A	23/6/23	TBC	10	10	0	20	0	20 - A one day	60	1st	The Tourism Review Working Party met on

Question: Negative impacts of tourism & how we might mitigate them									scrutiny review			24 Aug and agreed a work programme. They met on 12 Sept. They collected evidence from the Head of Cleansing & Coastal Services. The sub group met again on 26 October and gathered additional evidence from Penny Button. A final meeting is being planned for November before the working party drafts its report.
topic: Grant funding review Question: I'd like a review to see firstly what we might have missed out on and then how we can be in best position going forward to apply for grants as and when then are available	B	23/6/23	TBC	10	10	0	20	0	10 - 1- 3 Months review	50	T-2nd	
topic: Cost of Living Question: how we can work with partners to help residents avoid debt/ tackle it when it arises.	B	23/6/23	TBC	10	20	0	0	0	10 - 1- 3 Months review	40	T-4th	

A:1 Day – 4 weeks Review: **limited officer resource allocations required** for a successful review
B:More than 4 weeks and up to 3 months – **significant officer resource allocations required** for a successful review
C:More than 3 months: **very significant officer resource allocation required** for a successful review

Request for Officer Reports

- **Review of Section 106 Management:** how S.106 contributions are allocated, and what procedures are in place to ensure effective delivery
- **Broken Waste Bin Review:** To review the large number of broken waste bins (mainly missing lids) in Thanet. Waste collection is a statutory service however the number of broken bins leads to added rubbish and litter in all wards particularly those with densely populated areas which adversely affects the quality of residents lives and their health. The open bins attract vermin as well as foxes and seagulls who rip open the bags which should be contained in a fully functional bin with a lid. I request that these broken bins are repaired/or replaced by the council free of charge to residents.
- **Update on externally funded regeneration projects:** Regular 2-monthly updates on all externally funded regeneration projects - To include eg business plan, project management framework, progress against workplan, spend against projections, issues arising, risk analysis etc: appropriate focus for each meeting/ project to be agreed with Cabinet member & Regeneration team by the OSP Chair.
- **Review of governance and performance of on-street parking income:** investigate the governance arrangements, the resources employed in policing on street parking and in collecting and managing the fund and what overhead this represents.

OSP Pre and Post Decision Reviews for 2023/24

Date of scrutiny meeting	Item	Pre-decision	Post Decision	Cabinet Presentation	Work Planning
30/05/23	Establish the Overview & Scrutiny Panel Work Programme for 2023-24				<input checked="" type="checkbox"/>
30/05/23	Building Safety Act 2022	<input checked="" type="checkbox"/>			
30/05/23	Q3 and Q4 2022/23 Tenant and Leaseholder Performance Report		<input checked="" type="checkbox"/>		
30/05/23	Q3 and Q4 Corporate Performance Report		<input checked="" type="checkbox"/>		
20/07/23	Cabinet Member Presentation - Leader's Presentation on the Vision for TDC			<input checked="" type="checkbox"/>	
20/07/23	Purchase of Dwellings for the Local Authority Housing Fund	<input checked="" type="checkbox"/>			
20/07/23	Purchase of Section 106 Affordable Housing Units	<input checked="" type="checkbox"/>			
20/07/23	Levelling Up Fund and Margate Town Deal Projects Update		<input checked="" type="checkbox"/>		
20/07/23	Review OSP Work Programme 2022/23				<input checked="" type="checkbox"/>
20/07/23	Forward Plan				<input checked="" type="checkbox"/>

19/09/23	Broadstairs Flood and Coast Protection scheme	<input checked="" type="checkbox"/>			
19/09/23	Viking Bay to Dumpton Gap Sea Wall Repairs Scheme	<input checked="" type="checkbox"/>			
19/09/23	LED Street Lighting Contract	<input checked="" type="checkbox"/>			
19/09/23	Coastal Zone Maintenance Contract	<input checked="" type="checkbox"/>			
19/09/23	New contract for the supply of electricity to 264 sites within TDC's portfolio	<input checked="" type="checkbox"/>			
19/09/23	Department for Levelling Up, Housing and Communities Funding update Simplification Pathfinder Pilot	<input checked="" type="checkbox"/>			
19/09/23	Publishing of the TLS Annual Report		<input checked="" type="checkbox"/>		
26/09/23	Cabinet Member Presentation by the Leader - Update on the Planning Enforcement Review			<input checked="" type="checkbox"/>	
26/09/23	Health & Safety Policy	<input checked="" type="checkbox"/>			
26/09/23	Three year extension of the Dog Public Space Protection Order	<input checked="" type="checkbox"/>			
26/09/23	Review of Overview and Scrutiny Work Programme for 2023/24				<input checked="" type="checkbox"/>

26/09/23	Forward Plan and Exempt Cabinet Report List				<input checked="" type="checkbox"/>
26/10/23	Purchase of 5 Homes at Reading Street, Broadstairs for Affordable Rent	<input checked="" type="checkbox"/>			
26/20/23	Local Authority Housing Fund Round 2 : Purchase of 5 Homes	<input checked="" type="checkbox"/>			
26/10/23	Extension to the Alcohol Public Space Protection Order	<input checked="" type="checkbox"/>			
21/11/23	Cabinet Member Presentation - TDC Policy regarding Broken Bins and Green Bins Renewal Policy for Households			<input checked="" type="checkbox"/>	
21/11/23	Budget Monitoring 2023/24: Report No.2		<input checked="" type="checkbox"/>		
21/11/23	Adoption of a Combined Surveillance/CCTV/Image recording technologies Policy	<input checked="" type="checkbox"/>			
21/11/23	Purchase of 24 Homes at Tothill Street, Minster for Affordable Rent	<input checked="" type="checkbox"/>			
21/11/23	Review of Overview and Scrutiny Work Programme for 2023/24				<input checked="" type="checkbox"/>
21/11/23	Forward Plan and Exempt Cabinet Report List				<input checked="" type="checkbox"/>

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Adoption of the Birchington Neighbourhood Plan

Council	7 December 2023
Report Author	Adrian Verrall, Strategic Planning Manager
Portfolio Holder	Councillor Everitt, Leader of the Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No - Policy Framework
Previously Considered by	Cabinet - 16 November 2023
Ward:	Birchington North, Birchington South

Executive Summary:

Under the Localism Act 2011, Neighbourhood Plans can be prepared by local communities and are led by Town or Parish Councils or a Neighbourhood Forum in areas which do not have a Town or Parish Council. If Thanet Council adopt a neighbourhood plan it would have the same significance as other Development Plan Documents (eg the Local Plan) for the Relevant neighbourhood area.

Birchington Parish Council has prepared a neighbourhood plan which has been examined by an independent Examiner and progressed to referendum, as agreed by Cabinet on 10 August 2023.

The referendum took place on 26 October 2023. The result was that 2084 people voted for the neighbourhood plan and 174 voted against it. As more than half of those who voted, voted in favour of the neighbourhood plan, the plan now comes into force as part of the Development Plan, and the Council must formally 'make' (adopt) the plan within 8 weeks of the date of the referendum.

Recommendation(s):

That Thanet District Council make the Birchington Neighbourhood Plan.

Corporate Implications

Financial and Value for Money

There are no financial implications associated with this report.

Legal

The council must make the Neighbourhood Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 or refuse to make the Neighbourhood Plan under section 38A(6) of the same Act

Risk Management

The only risk associated with this report would be if the Council were to refuse to 'make' the plan for reasons other than those set out in paragraph 1.3 of the report. See also the 'Options' section.

Corporate

There are no corporate risks associated with this report.

Equality Act 2010 & Public Sector Equality Duty

This decision relates only to the "making" of the Plan, which has been considered through Examination, and been supported through the referendum. The Council's only role at this stage is to consider whether the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). If not, the plan must be "made".

Corporate Priorities

This report relates to the following corporate priorities: -

- *Environment*
- *Communities*

1.0 Introduction and Background

1.1 Under the Localism Act 2011, Neighbourhood Plans can be prepared by local communities and are led by Town or Parish Councils or a Neighbourhood Forum in areas which do not have a Town or Parish Council. If Thanet Council adopts a neighbourhood plan it would have the same significance as other Development Plan Documents (eg the Local Plan) for the relevant neighbourhood area.

1.2 The draft Birchington Neighbourhood Plan has been examined by an Independent Examiner who issued his report on 21 July 2023. The Examiner recommended a number of modifications to the Plan and that, subject to those modifications being accepted, it should proceed to referendum

1.3 The referendum took place on 26 October 2023. The result was that 2084 people voted for the neighbourhood plan and 174 voted against it. As more than half of those who voted, voted in favour of the neighbourhood plan, the plan now comes into force as part of the Development Plan, and the Council must formally 'make' (ie adopt) the plan within 8 weeks of the date of the referendum. The only circumstances the

Council can refuse to make the neighbourhood plan is if it is considered it would breach, or be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). This includes matters such as Strategic Environmental Assessment. No breaches of any European Union obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998) have been identified during the Neighbourhood Plan process and the Council is now requested to make the decision to formally make the Birchington Neighbourhood Plan.

- 1.5 The Neighbourhood Plan forms part of the development plan for Thanet, and will be part of the decision making process for determining planning applications in the Birchington neighbourhood plan area.

2.0 Options

- 2.1 **Option 1 (Recommended)** That Council make the Birchington Neighbourhood Plan.
- 2.2 **Option 2 (Not recommended)** That Council decide not to make the Birchington Neighbourhood Plan.

In accordance with section 38A(6) of the Planning and Compulsory Purchase Act 2004, the only circumstances under which the Council can refuse to make a neighbourhood plan is if it is considered that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). This is not considered to be the case for the Birchington Neighbourhood Plan.

Contact Officer: *Adrian Verrall (Strategic Planning Manager)*
Reporting to: Ashley Jackson (Head of Housing and Planning)

Background Papers

[Birchington Neighbourhood Plan](#)

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)
Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

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Adoption of the Broadstairs & St Peters Neighbourhood Plan Review

Council	7 December 2023
Report Author	Adrian Verrall, Strategic Planning Manager
Portfolio Holder	Councillor Everitt, Leader of the Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No - Policy Framework

Previously Considered by Cabinet - 16 November 2023

Ward: Beacon Road, Kingsgate, Bradstowe, St Peters, Viking

Executive Summary:

Under the Localism Act 2011, Neighbourhood Plans can be prepared by local communities and are led by Town or Parish Councils or a Neighbourhood Forum in areas which do not have a Town or Parish Council. If Thanet Council adopt a neighbourhood plan it would have the same significance as other Development Plan Documents (eg the Local Plan) for the Relevant neighbourhood area.

Broadstairs & St Peters Town Council has reviewed its neighbourhood plan. The neighbourhood plan review has been examined by an independent Examiner and progressed to referendum, as agreed by Cabinet on 10 August 2023.

The referendum took place on 26 October 2023. The result was that 2268 people voted for the neighbourhood plan and 279 voted against it. As more than half of those who voted, voted in favour of the neighbourhood plan, the plan now comes into force as part of the Development Plan, and the Council must formally 'make' (adopt) the plan within 8 weeks of the date of the referendum.

Recommendation(s):

That Thanet District Council make the Broadstairs & St Peters Neighbourhood Plan Review.

Corporate Implications

Financial and Value for Money

There are no financial implications associated with this report.

Legal

The council must make the Neighbourhood Plan under section 38A(4) of the Planning and Compulsory Purchase Act 2004 or refuse to make the Neighbourhood Plan under section 38A(6) of the same Act

Risk Management

The only risk associated with this report would be if the Council were to refuse to 'make' the plan for reasons other than those set out in paragraph 1.3 of the report. See also the 'Options' section.

Corporate

There are no corporate risks associated with this report.

Equality Act 2010 & Public Sector Equality Duty

This decision relates only to the "making" of the Plan, which has been considered through Examination, and been supported through the referendum. The Council's only role at this stage is to consider whether the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). If not, the plan must be "made".

Corporate Priorities

This report relates to the following corporate priorities: -

- *Environment*
- *Communities*

1.0 Introduction and Background

- 1.1 Under the Localism Act 2011, Neighbourhood Plans can be prepared by local communities and are led by Town or Parish Councils or a Neighbourhood Forum in areas which do not have a Town or Parish Council. If Thanet Council adopts a neighbourhood plan it would have the same significance as other Development Plan Documents (eg the Local Plan) for the relevant neighbourhood area.
- 1.2 The draft Broadstairs & St Peters Neighbourhood Plan Review has been examined by an Independent Examiner who issued his report on 22 June 2023. The Examiner recommended a number of modifications to the Plan and that, subject to those modifications being accepted, it should proceed to referendum
- 1.3 The referendum took place on 26 October 2023. The result was that 2268 people voted for the neighbourhood plan and 279 voted against it. As more than half of those who voted, voted in favour of the neighbourhood plan, the plan now comes into force as part of the Development Plan, and the Council must formally 'make' (ie adopt) the plan within 8 weeks of the date of the referendum. The only circumstances the Council can refuse to make the neighbourhood plan is if it is considered it would

breach, or be incompatible with any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). This includes matters such as Strategic Environmental Assessment. No breaches of any European Union obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998) have been identified during the Neighbourhood Plan process and the Council is now requested to make the decision to formally make the Broadstairs & St Peters Neighbourhood Plan Review.

- 1.5 The Neighbourhood Plan forms part of the development plan for Thanet, and will be part of the decision making process for determining planning applications in the Broadstairs & St Peters neighbourhood plan area.

2.0 Options

- 2.1 **Option 1 (Recommended)** That Council make the Broadstairs & St Peters Neighbourhood Plan Review.
- 2.2 **Option 2 (Not recommended)** That Council decide not to make the Broadstairs & St Peters Neighbourhood Plan Review.

In accordance with section 38A(6) of the Planning and Compulsory Purchase Act 2004, the only circumstances under which the Council can refuse to make a neighbourhood plan is if it is considered that the making of the plan would breach, or would otherwise be incompatible with, any EU obligation or any of the Convention rights (within the meaning of the Human Rights Act 1998). This is not considered to be the case for the Broadstairs & St Peters Neighbourhood Plan Review.

Contact Officer: *Adrian Verrall (Strategic Planning Manager)*
Reporting to: *Ashley Jackson (Head of Housing and Planning)*

Background Papers

[Broadstairs & St Peters Neighbourhood Plan Review](#)

Corporate Consultation

Finance: *Chris Blundell (Director of Corporate Services - Section 151)*
Legal: *Sameera Khan (Interim Head of Legal & Monitoring Officer)*

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The Local Government Boundary Commission for England Review of Thanet District Council - Council Size

Meeting	Council - 7 December 2023
Report Author	Committee Service Manager
Portfolio Holder	Cllr Rob Yates - Cabinet Member for Corporate Services
Status	For Decision
Classification:	Unrestricted
Previously Considered by	Boundary Electoral Arrangements Working Party 21st November 2023
Ward:	All Wards

Executive Summary:

To consider a recommendation from the Boundary and Electoral Arrangements Working Party (BEAWP) that the number of Councillors should be reduced to 42 as part of the periodic boundary review by the Local Government Boundary Commission for England (LGBCE)

Recommendation(s):

To consider the recommendation from the Boundary & Electoral Arrangements Working Party namely:

“that a proposed figure of forty two (42) councillors be the total number of TDC councillors to be forwarded to the Local Government Boundary Commission for England (LGBCE).”

Corporate Implications

Financial and Value for Money

The council's annual expenditure for member allowances is approximately £370,000.

Whilst budgetary savings are not a specified reason to be considered when deciding if Councillor numbers should be amended it is important to note that if the number of councillors were to reduce the council could decide to either keep allowances at broadly the same level and realise a budget saving, or the financial headroom could be used to increase the level of allowances that are provided to members.

If the number of members were reduced to either 42 this would generate a revenue saving of approximately £100,000. The commitment required to be a district councillor can represent a significant personal and professional sacrifice, and by using the saving to increase allowances, it could be asserted that a lifting of allowances would make standing as cllr a more attractive and realistic proposition for a greater proportion of Thanet's residents, which

in turn could assist in the election of councillors from a wider range of socio-demographic backgrounds, enhancing the democratic representation of the member body.

It should also be noted that even after the recent application of a 10% increase in allowances, as approved by Council on 12 October 2023, that TDC has the second least generous basic allowance in comparison to other local authorities in Kent.

Due to budgetary constraints there is no funding available to pay allowances for an increased number of councillors and we also do not have the financial resources to significantly increase member allowances, without reducing or reallocating funding directed to service delivery.

Legal

As set out in this the Local Government Boundary Commission for England is carrying out a review on behalf of the Government under Section 56 of the Local Democracy, Economic Development and Construction Act 2009. Section 56 provides the following:

- (1)The Local Government Boundary Commission for England must from time to time—
- (a)conduct a review of the area of each principal council, and
 - (b) recommend whether a change should be made to the electoral arrangements for that area.

And:

- (4) In this Part “electoral arrangements”, in relation to the area of a principal council, means—
- (a) the total number of members of the council (“councillors”),
 - (b) the number and boundaries of electoral areas for the purposes of the election of councillors,
 - (c) the number of councillors to be returned by any electoral area in that area, and
 - (d) the name of any electoral area.

As indicated in this report the work of the Boundary and Electoral Arrangements Working Party (BEAWP) will support the work of the LGBCE by making recommendations based on local information and knowledge as detailed in this report.

Risk Management

The only significant risk is if the Council doesn't engage with the process as determined by the LGBCE. If the Council chose not to engage then there would be a significant risk of a solution being imposed upon the Council. By engaging with the LGBCE at the numerous opportunities for input and consultation the Council can ensure its views are taken into account.

Corporate

Councillors are a fundamental part of any Council and so ensuring that the Council properly reviews its number when necessary is of great importance. Not agreeing to a number or causing unnecessary delay in the LGBCE process would be reputationally damaging 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 eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

Corporate Priorities

This report relates to the following corporate priorities: -

- *Communities*

1.0 Introduction and Background

- 1.1 The Council was initially contacted by the LGBCE in March 2023 informing the Council that the LGBCE would be conducting a periodic review of the Council's electoral arrangements as it had been over 20 years since its last review of Thanet District Council. The review officially started with an introductory meeting between the Leader and Chief Executive and the Chair and Chief Executive of the LGBCE in June 2023. This was followed by a meeting between Groups leaders and the LGBCE in July 2023 and finally a members briefing from the LGBCE in late September 2023.
- 1.2 Thanet District Council has a standing working party with responsibility for all Electoral and boundary matters - the Boundary and Electoral Arrangements Working Party (BEAWP). The BEAWP initially met on 22 August 2023 in order to start undertaking the work required by the LGBCE in the first stage of the review, namely a submission suggesting a revised number of Councillors that the Council should move to at the next set of local elections in 2027.
- 1.3 The BEAWP has made a recommendation to Full Council as part of its work in creating the submission for the LGBCE, this is detailed in paragraph 3 of this report.

Once a revised number has been agreed and included in the submission, this will be sent to the LGBCE, they will then evaluate the submission and inform us if they agree with our revised number. The review will then continue as per the timetable set out in paragraph 2.4 of the report.

2.0 Review of Councillor numbers

2.1 The review by the LGBCE covers the following five areas and are carried out strictly in this order:

1. Total number of councillors
2. Total number of wards
3. Ward boundaries
4. Number of councillors elected to each ward
5. Names of each ward

2.2 The LGBCE will be checking that the Council has evidenced how the revised number that the Council select as part of its submission is sufficient to ensure that the following three specific functions can continue to be undertaken:

- a) **Strategic Leadership** (how many councillors are needed to give strategic leadership and direction to the authority?);
- b) **Accountability** (Scrutiny, Regulatory and External Partnerships); and
- c) **Community Leadership** (how the representational role of councillors in the local community is discharged and how they engage with people and conduct casework)

2.3 When evaluating the evidence covering the three themes above the LGBCE will not consider any of the following arguments:

- The Political consequences.
- “It ain’t broke don’t fix it” arguments.
- Parliamentary boundaries.
- Postcodes or addresses.
- House prices & insurance.

2.4 The overall timetable for the review is outlined in the table below:

Review Stage	Dates
Preliminary period/ Number of Councillors	Now to January 2024
Consultation on warding patterns	19 March 2024 to 27 May 2024
Consultation on draft recommendations	3 September 2024 to 11 November 2024
Final recommendations published	February 2025
Order Made in Parliament	Spring 2025
New arrangements elected upon	May 2027

3.0 Recommendations of the BEAWP

3.1 The BEAWP met five times between August and November 2023 during the course of creating the Submission document. The minutes of its meetings detailing its considerations can be found on the Council's [website](#).

3.2 At its meeting on 21 November they made following recommendation:

As a result of the additional information that was presented to the Boundaries and Electoral Arrangements Working Party, Councillor Everitt proposed, Councillor Kup seconded and Members agreed to recommend to Full Council that a proposed figure of forty two (42) councillors be total number of TDC councillors to be forwarded to the Local Government Boundary Commission for England (LGBCE).

3.3 The reasons for BEAWP recommending reducing the amount of Cllrs can be summarised as:

- a) Change of governance model, previously at date of the last review the Council used the committee model of governance, now use the Cabinet and Strong leader model.
- b) Reviewing the Policy Framework, Key decision thresholds and officer delegations have set clear boundaries as to which significant and important decisions are reserved to members and what is left to Officers.
- c) Individual Cabinet Member decisions have reduced from 246 in the first five years of the Leader and Cabinet model, in the last five years there have only been 54.
- d) The scheme of officer delegations was switched to a delegated to Officers unless it was retained by the Cabinet members model.
- e) When the Council first moved to the leader and Cabinet model it had three Overview and Scrutiny Panels and no work programme, it now only has one with a planned and scoped out work programme.
- f) The percentage of planning applications determined by the Planning Committee has now dropped to 5% of the total applications.
- g) Over the past five years 37% of Licensing Board meetings have been cancelled due to a lack of business.
- h) The proposed structure of committees for 2030 overall reduces the size of the committees and although there would be 14 fewer Councillors the average committee seats per Councillor would drop from 2 currently to 1.69 per Councillor.
- i) There are now half the number of Outside Bodies representatives needed as at the time of the last review.
- j) Councillors now have Council provided ICT equipment and Council email addresses. In addition the Council conducts as many non LGA 1972 committees as it can via online meetings.
- k) The Council operates an online first approach to service delivery, with over 140 online forms for the public to use to contact the Council and just last year there were approximately 1.2m visits to the Council's website, an increase of nearly 50% since its relaunch, all moving regular contact towards officers and away from Members.

3.4 The reasons for BEAWP recommending not to increase the amount of Cllrs can be summarised as:

- a) There was little concrete evidence to say that all Councillors were now busier than they were 20 years ago. The BEAWP felt there were as many “busy” wards as there were “quiet” wards and the issue had to be looked at in a whole Thanet context. The introduction of a casework officer would in future assist Members in signposting them to the correct officers and ensuring that those officers who have been asked to provide information to Councillors reply promptly. This will eliminate repeat contacts and chasing that Councillors sometimes have to do, therefore making dealing with casework much easier.
- b) The BEAWP did not feel that there was always a direct link between deprivation and having a “busy” ward, although an area of deprivation did generally have a higher prevalence of particular case work. It was often the case that a more affluent ward with constituents more aware of who their Councillors were could produce as much casework as a deprived ward.
- c) Some Members felt that certain wards needed extra Councillors, however as all ward boundaries would be re-drawn, this wouldn't be an issue.

4.0 Options

- 4.1 To agree to the recommendations from BEAWP.
- 4.2 To suggest an alternative number of Councillors for the submission to the LGBCE. If this option is chosen, then new evidence must be provided to support the chosen number.

5.0 Next Steps

- 5.1 The BEAWP will finalise the submission based on the result of this meeting and the final submission document and the other statistical information requested by the LGBCE will be sent to them no later than the deadline of the 4 January 2024. TDC will then await their response and the review will proceed on the timeline outlined in paragraph 2.4 of the report.

Contact Officer: Nicholas Hughes (Committee Services Manager)

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Chris Blundell, Director of Corporate Services

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Mid Year Review 2023/24: Treasury Management and Annual Investment Strategy

Council	7 December 2023
Report Author	Chris Blundell, Director of Corporate Services and Section 151 Officer
Portfolio Holder	Councillor Rob Yates, Cabinet Member for Corporate Services
Status	For Decision
Classification	Unrestricted
Ward	Thanet Wide
Previously Considered by	Cabinet - 16 November 2023 Governance & Audit Committee - 29 November 2023

Executive Summary:

This report summarises treasury management activity and prudential/ treasury indicators for the first half of 2023/24.

The Chartered Institute of Public Finance and Accountancy (CIPFA) defines treasury management as:

“The management of the local authority’s borrowing, investments and cash flows, its banking, money market and capital market transactions; the effective control of the risks associated with those activities; and the pursuit of optimum performance consistent with those risks.”

The regulatory environment places responsibility on members for the review and scrutiny of treasury management policy and activities. This report is, therefore, important in that respect, as it provides details of the 2023/24 mid-year position for treasury activities.

Key reporting items to consider include:

- 2023/24 mid-year capital expenditure on long term assets was £5.9m (2022/23 mid-year: £6.3m), against a full-year budget of £60.7m.
- The Council’s gross debt, also called the borrowing position, at 30 September 2023 was £19.7m (30 September 2022: £20.0m).
- The Council’s underlying need to borrow to finance its capital expenditure, also called the Capital Financing Requirement (CFR), is estimated to be £78.3m at 31 March 2024 (31 March 2023: £52.2m).

- The Council has held less gross debt than its CFR and accordingly has complied with the requirement not to exceed its authorised borrowing limit of £81m.
- As at 30 September 2023 the Council's investment balance was £55.4m (30 September 2022: £56.8m).
- It is proposed that the 2023/24 Treasury Management Strategy Statement be amended as described in section 3 of this report.

Recommendation(s):

That Council:

1. Makes comments on this report and annexes as appropriate;
2. Approves this report and annexes, including the prudential and treasury indicators that are shown and the proposed changes to the 2023/24 Treasury Management Strategy Statement.

Corporate Implications

Financial and Value for Money

The financial implications are highlighted in this report.

Legal

Section 151 of the 1972 Local Government Act 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 Section 151 Officer, and this report is helping to carry out that function.

Risk Management

Risk management is as per the provisions of the annual Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy.

Corporate

Failure to undertake this process will impact on the Council's compliance with the Treasury Management Code of Practice.

Equalities Act 2010 & Public Sector Equality Duty

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

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

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities.

1 Background

1.1 Treasury management

The Chartered Institute of Public Finance and Accountancy (CIPFA) defines treasury management as:

“The management of the local authority’s borrowing, investments and cash flows, its banking, money market and capital market transactions;

the effective control of the risks associated with those activities; and

the pursuit of optimum performance consistent with those risks.”

The Council operates a balanced budget, which broadly means cash raised during the year will meet its cash expenditure. Part of the treasury management operation is to ensure this cash flow is adequately planned, with surplus monies being invested in low risk counterparties, providing adequate liquidity initially before considering optimising investment return.

The second main function of the treasury management service is the funding of the Council’s capital plans. These capital plans provide a guide to the borrowing need of the Council, essentially the longer term cash flow planning to ensure the Council can meet its capital spending operations. This management of longer term cash may involve arranging long or short term loans, or using longer term cash flow surpluses, and on occasion any debt previously drawn may be restructured to meet Council risk or cost objectives.

1.2 Capital Strategy

The CIPFA Prudential and Treasury Management Codes require all local authorities to prepare a Capital Strategy which is to provide the following: -

- a high-level overview of how capital expenditure, capital financing and treasury management activity contribute to the provision of services;
- an overview of how the associated risk is managed;
- the implications for future financial sustainability.

2 Introduction

- 2.1 This report has been written in accordance with the requirements of the CIPFA Code of Practice on Treasury Management.
- 2.2 The primary requirements of the Code are as follows:
- a) Creation and maintenance of a Treasury Management Policy Statement which sets out the policies and objectives of the Council's treasury management activities.
 - b) Creation and maintenance of Treasury Management Practices which set out the manner in which the Council will seek to achieve those policies and objectives.
 - c) Receipt by the full Council of an annual Treasury Management Strategy Statement - including the Annual Investment Strategy and Minimum Revenue Provision Policy (for the year ahead), a Mid-year Review Report (this report) and an Annual Report (stewardship report), covering activities during the previous year. Two additional quarterly reports are also provided to the Governance and Audit Committee.
 - d) Delegation by the Council of responsibilities for implementing and monitoring treasury management policies and practices and for the execution and administration of treasury management decisions.
 - e) Delegation by the Council of the role of scrutiny of treasury management strategy and policies to a specific named body. For this Council the delegated body is the Governance and Audit Committee.
- 2.3 This mid-year report has been prepared in compliance with CIPFA's Code of Practice on Treasury Management, and covers the following:
- An economic update for the first half of the 2023/24 financial year;
 - A review of the Treasury Management Strategy Statement and Annual Investment Strategy;
 - The Council's capital expenditure (see also the Capital Strategy) and prudential indicators;
 - A review of the Council's investment portfolio for 2023/24;
 - A review of the Council's borrowing strategy for 2023/24;
 - A review of any debt rescheduling undertaken during 2023/24;
 - A review of compliance with Treasury and Prudential Limits for 2023/24.
- 3 Treasury Management Strategy Statement and Annual Investment Strategy Update**
- 3.1 The Treasury Management Strategy Statement (TMSS) for 2023/24, which includes the Annual Investment Strategy, Capital Strategy and Non-Treasury Investment Report, was approved by the Council on 9 February 2023.

- 3.2 It is proposed that both the Operational Boundary and Authorised Limit for borrowing in the 2023/24 TMSS (referred to in section 3.1 above) be increased by £20m to reflect the increase in the 2023/24 HRA capital programme for the acquisition and development of new affordable housing units (as referred to in section 4.2 below).
- 3.3 During the half year ended 30 September 2023 the Council operated within the treasury and prudential indicators set out in the 2023/24 TMSS.

4 The Council’s Capital Position (Prudential Indicators)

- 4.1 This part of the report is structured to update:
 - The Council’s capital expenditure plans;
 - How these plans are being financed;
 - The impact of the changes in the capital expenditure plans on the prudential indicators and the underlying need to borrow; and
 - Compliance with the limits in place for borrowing activity.

4.2 Prudential Indicator for Capital Expenditure

This table shows the revised budgets for capital expenditure and the changes since the capital programme was agreed at the Budget.

The revised GF budget includes net reprofiling of -£6.748m (£33.159m unspent budgets from 2022/23 that have been rolled into 2023/24 less £39.907m subsequently transferred out). The largest element of the increase in the revised HRA budget is £19.485m for the acquisition and development of new affordable housing units

Capital Expenditure	2023/24 Original Budget £m	Current Position – Actual spend at 30/09/23 £m	2023/24 Revised Budget £m
General Fund	32.999	2.567	26.640
HRA	12.453	3.286	34.095
Total	45.452	5.853	60.735

Monitoring information on the capital programme at scheme level, including forecasts to the end of the financial year, is included in the regular Cabinet Budget Monitoring Reports.

4.3 Changes to the Financing of the Capital Programme

The table below takes the capital expenditure plans (as detailed in the previous table), and shows the expected financing arrangements of this capital expenditure.

The borrowing element of the table increases the underlying indebtedness of the Council by way of the Capital Financing Requirement (CFR), although

this will be reduced in part by revenue charges for the repayment of debt (the Minimum Revenue Provision). This direct borrowing need may also be supplemented by maturing debt and other treasury requirements.

Capital Expenditure	2023/24 Original Budget £m Total	Current Position – Actual at 30/09/23 £m	2023/24 Revised Budget £m GF	2023/24 Revised Budget £m HRA	2023/24 Revised Budget £m Total
Total spend	45.452	5.853	26.640	34.095	60.735
Financed by:					
Capital receipts	3.811		4.653	1.517	6.170
Capital grants	25.836		14.336	1.583	15.919
Reserves	8.332		1.034	9.023	10.057
Revenue	0.405		0.112	0.370	0.482
Total financing	38.384		20.135	12.493	32.628
Borrowing need	7.068		6.505	21.602	28.107

4.4 **Changes to the Prudential Indicators for the Capital Financing Requirement, External Debt and the Operational Boundary**

The Council's underlying need to borrow to fund its capital expenditure is termed the Capital Financing Requirement (CFR). The CFR can be thought of as the outstanding debt that still needs to be repaid in relation to the capital assets (buildings, vehicles etc) that the Council has purchased or invested in. It can also be helpful to compare it to the outstanding balance that is still payable on a loan or a mortgage, in this case we are considering how much of the Council's debt still needs to be paid for.

The table below shows the CFR, and also shows the expected debt position over the period, which is termed the Operational Boundary.

Prudential Indicator – Capital Financing Requirement

We are on target to achieve the forecast CFR. The main reason for the increase in estimate shown below is the increase in the 2023/24 HRA capital programme for the acquisition and development of new affordable housing units (as referred to in section 4.2 above). THE CFR estimates below do not reflect the transfer of land off Highfield Road, Ramsgate from GF to HRA (as per the report tabled at the 2 March 2023 Cabinet meeting) as this transfer is estimated for 2024/25.

Prudential Indicator – the Operational Boundary for external debt

	2023/24 Original Estimate £m	Current Position – Actual at 30/09/23 £m	2023/24 Revised Estimate £m
Prudential Indicator – Capital Financing Requirement			
CFR –General Fund	29.002		28.687
CFR – HRA	31.331		49.631
Total CFR	60.333		78.318
Net movement in CFR	8.099		26.084
	2023/24 Original Indicator £m	Current Position – Actual at 30/09/23 £m	2023/24 Revised Indicator £m
Prudential Indicator - the Operational Boundary for External Debt			
Borrowing	76.000	19.718	96.000
Other long term liabilities*	10.000	0.596	10.000
Total debt	86.000	20.314	106.000

* Any 'on balance sheet' PFI schemes and finance leases etc (including the leisure centre deferred credit).

4.5 Limits to Borrowing Activity

The first key control over the treasury activity is a prudential indicator to ensure that over the medium term, borrowing will only be for a capital purpose. Gross external borrowing should not, except in the short term, exceed the total of CFR in the preceding year plus the estimates of any additional CFR for 2023/24 and next two financial years. This allows some flexibility for limited early borrowing for future years. The Council has approved a policy for borrowing in advance of need which will be adhered to if this proves prudent.

	2023/24 Original Estimate £m	Current Position – Actual at 30/09/23 £m	2023/24 Revised Estimate £m
Gross borrowing	54.683	19.718	77.317
Plus other long term liabilities*	0.597	0.596	0.568
Total gross borrowing	55.280	20.314	77.885
CFR (year end position)	60.333		78.318

The Section 151 Officer reports that no difficulties are envisaged for the current or future years in complying with this prudential indicator.

A further prudential indicator controls the overall level of borrowing. This is the Authorised Limit which represents the limit beyond which borrowing is

prohibited, and needs to be set and revised by Members. It reflects the level of borrowing which, while not desired, could be afforded in the short term, but is not sustainable in the longer term. It is the expected maximum borrowing need with some headroom for unexpected movements. This is the statutory limit determined under section 3 (1) of the Local Government Act 2003.

Authorised Limit for external debt	2023/24 Original Indicator £m	Current Position – Actual at 30/09/23 £m	2023/24 Revised Indicator £m
Borrowing	81.000	19.718	101.000
Other long term liabilities*	15.000	0.596	15.000
Total	96.000	20.314	116.000

** Any 'on balance sheet' PFI schemes and finance leases etc (including the leisure centre deferred credit).*

5 Annual Investment Strategy 2023/24

5.1 The Treasury Management Strategy Statement (TMSS) for 2023/24, which includes the Annual Investment Strategy, was approved by Council on 9 February 2023. In accordance with the CIPFA Treasury Management Code of Practice, it sets out the Council's investment priorities as being:

- Security of capital
- Liquidity
- Yield

5.2 The Council will aim to achieve the optimum return (yield) on its investments commensurate with proper levels of security and liquidity and with the Council's risk appetite. In the current economic climate it is considered appropriate to keep investments short term to cover cash flow needs, but also to seek out value available in periods up to 12 months with high credit quality financial institutions.

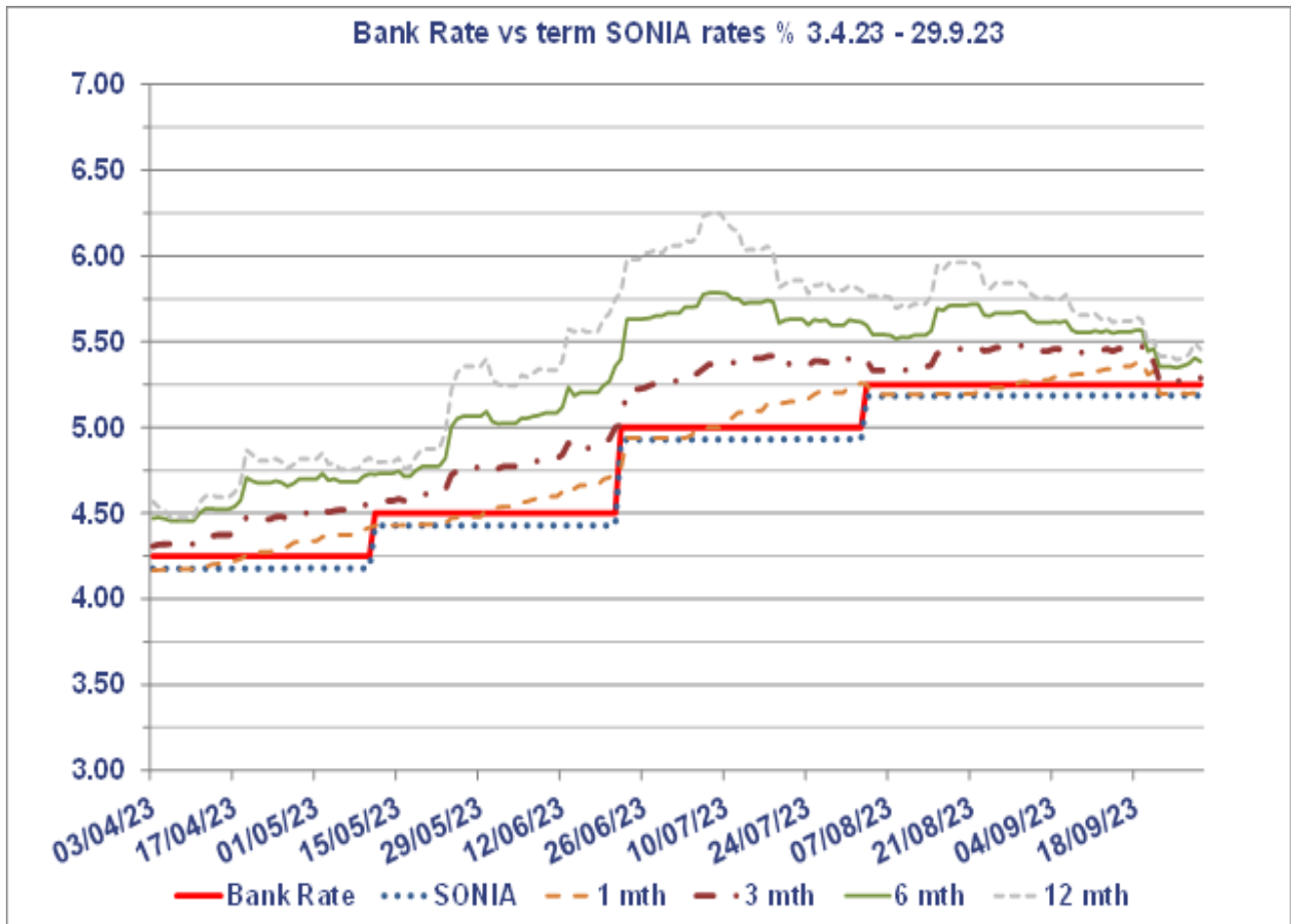
5.3 Creditworthiness

Following the Government's fiscal event on 23rd September 2022, both S&P and Fitch placed the UK sovereign debt rating on Negative Outlook, reflecting a downside bias to the current ratings in light of expectations of weaker finances and a challenging economic outlook. Nothing further has evolved in the first half of 2023/24.

5.4 Credit Default Swap (CDS) prices

It is noted that sentiment in the current economic climate can easily shift, so it remains important to undertake continual monitoring of all aspects of risk and return in the current circumstances.

5.5 Investment rates during half year ended 30th September 2023



	Bank Rate	SONIA	1 mth	3 mth	6 mth	12 mth
High	5.25	5.19	5.39	5.48	5.78	6.25
High Date	03/08/2023	29/09/2023	19/09/2023	30/08/2023	07/07/2023	07/07/2023
Low	4.25	4.18	4.17	4.31	4.46	4.47
Low Date	03/04/2023	04/04/2023	03/04/2023	03/04/2023	06/04/2023	06/04/2023
Average	4.81	4.74	4.83	5.03	5.26	5.45
Spread	1.00	1.01	1.22	1.17	1.33	1.77

5.6 The Council held £55.441m of investments as at 30 September 2023, with maturities all under one year (£56.827m at 31 March 2023). The investment portfolio yield for the first six months of the year is 4.68% against a

benchmark (average 7 day SONIA compounded rate) of 4.67%. The constituent investments are:

Sector	Country	Total £m
Banks	UK	6.285
Money Market Funds	UK	48.156
Bond Funds	UK	1.000
Total		55.441

- 5.7 The Section 151 Officer confirms that the approved limits within the Annual Investment Strategy were not breached during the first six months of 2023/24.
- 5.8 The Council’s budgeted investment return for 2023/24 is £1.262m (£0.631m half-year) and performance for the first half of the financial year is above budget at £1.389m. The revised estimate for 2023/24 is £2.385m.
- 5.9 The above bond fund is a pooled investment fund accounted for at fair value, although there is a mandatory statutory override for local authorities to reverse all unrealised fair value movements resulting from pooled investment funds to 31st March 2025. There was an unrealised fair value gain of £24k as at 31 March 2023 and it is not expected that the cessation of the override will have an adverse impact on the Council.

5.10 Investment Risk Benchmarking

Investment risk benchmarks were set in the 2023/24 Treasury Management Strategy Statement (TMSS) for security, liquidity and yield. The mid-year position against these benchmarks is given below.

5.10.1 Security

The Council’s maximum security risk benchmark for the current portfolio, when compared to historic default tables, is:

- 0.05% historic risk of default when compared to the whole portfolio (excluding unrated investments).

The security benchmark for each individual year is (excluding unrated investments):

	1 year	2 years	3 years	4 years	5 years
Maximum	0.05%	0.05%	0.05%	0.05%	0.05%

Note: This benchmark is an average risk of default measure, and would not constitute an expectation of loss against a particular investment.

The Section 151 Officer can report that the investment portfolio was maintained within this overall benchmark for the first half of this financial year.

5.10.2 Liquidity

In respect of this area the Council seeks to maintain:

- Liquid short term deposits of at least £10m available with a week’s notice.
- Weighted Average Life benchmark is expected to be 0.5 years, with a maximum of 1.0 year.

The Section 151 Officer can report that liquidity arrangements were adequate for the first half of this financial year.

This authority does not currently place investments for more than 370 days due to the credit, security and counterparty risks of placing such investments.

5.10.3 Yield

Local measures of yield benchmarks are:

- Investments – Internal returns above the average 7 day SONIA compounded rate.

The Section 151 Officer can report that the yield on deposits for the first half of the financial year is 4.68% against a benchmark (average 7 day SONIA compounded rate) of 4.67%.

5.11 Investment Counterparty criteria

The current investment counterparty criteria selection approved in the TMSS is meeting the requirement of the treasury management function.

6 Borrowing

6.1 The Council’s capital financing requirement (CFR) revised estimate for 2023/24 is £78.318m. The CFR denotes the Council’s underlying need to borrow for capital purposes. If the CFR is positive the Council may borrow from the PWLB or the market (external borrowing) or from internal balances on a temporary basis (internal borrowing). The balance of external and internal borrowing is generally driven by market conditions. The Council has borrowings of £19.718m (table 4.5) and will have utilised an estimated £58.600m of cash flow funds in lieu of borrowing (assuming no additional borrowing is undertaken during the year). This is a prudent and cost effective approach in the current economic climate but will require ongoing monitoring if further upside risk to gilt yields prevails.

6.2 No new external borrowing was undertaken during the first half of this financial year.

6.3 The Council repaid £0.165m of maturing debt during the first half of this financial year using investment balances, as below:

Lender	Principal £’000	Interest Rate	Repayment Date
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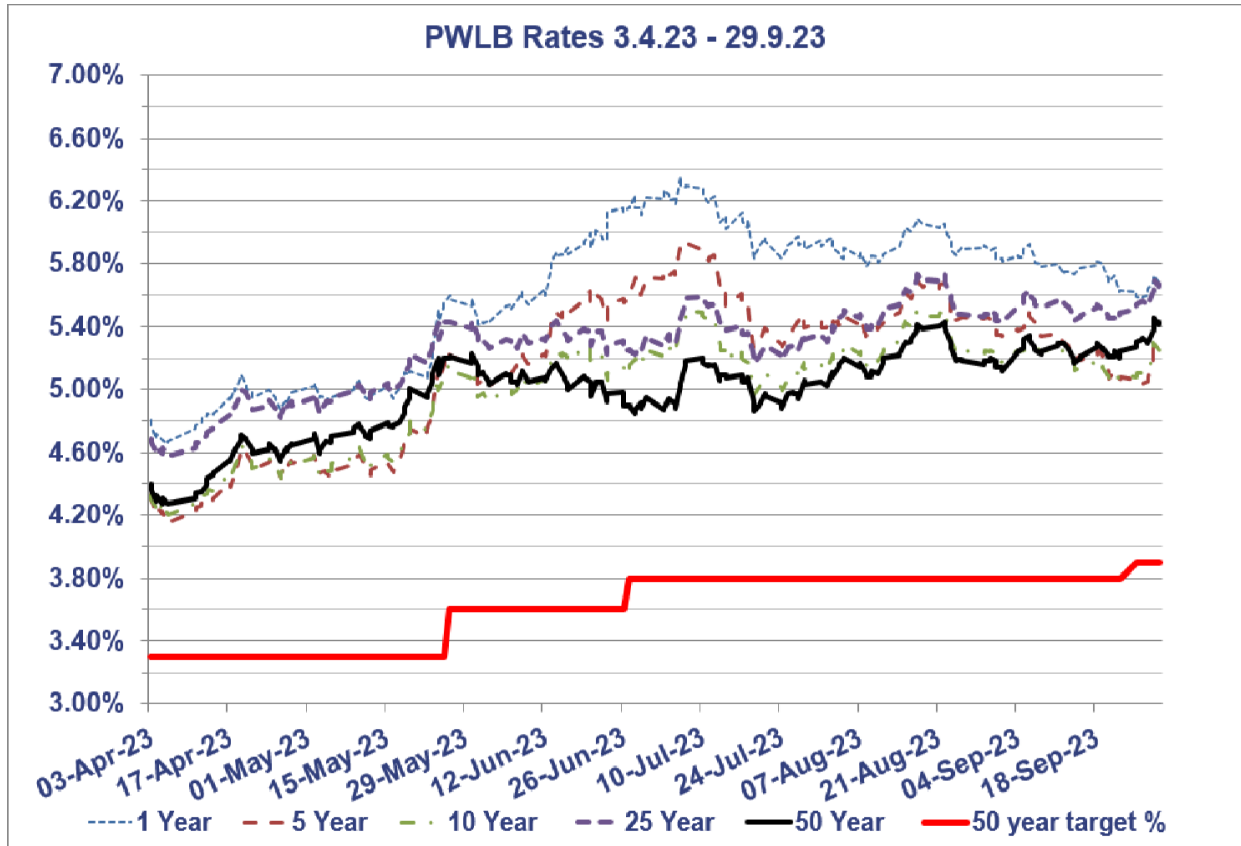
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PWLB	43	3.08%	24/04/23
PWLB	50	2.48%	30/05/23
PWLB	72	1.28%	20/06/23
Total	165		

As below, a further £0.093m of existing maturing debt is due to be repaid during the second half of this financial year. In addition, the Council has a long term loan of £4.5m from Dexia which has a lender's option/borrower's option (LOBO) feature. The option allows Dexia to alter the interest rate every six months although, if Dexia exercises this option, the Council may repay the loan. If Dexia decides not to exercise this option, the loan will continue at the fixed rate until maturity in 2065.

Lender	Principal £'000	Interest Rate	Repayment Date
PWLB	43	3.08%	23/10/23
PWLB	50	2.48%	27/11/23
Total	93		

- 6.4 Borrowing may be undertaken during the second half of this financial year and options will be reviewed in due course in line with market conditions. The capital programme is being kept under regular review due to the effects of inflationary pressures and shortages of materials, labour, and capital receipts. The Council's borrowing strategy will therefore also be regularly reviewed and then revised, if necessary, in order to achieve optimum value and risk exposure in the long-term.
- 6.5 The graph and table below show the movement in PWLB borrowing rates for the first six months of the year to 30 September 2023.
- 6.6 PWLB borrowing rates during half year ended 30th September 2023**



	1 Year	5 Year	10 Year	25 Year	50 Year
Low	4.65%	4.14%	4.20%	4.58%	4.27%
Date	06/04/2023	06/04/2023	06/04/2023	06/04/2023	05/04/2023
High	6.36%	5.93%	5.51%	5.73%	5.45%
Date	06/07/2023	07/07/2023	22/08/2023	17/08/2023	28/09/2023
Average	5.62%	5.16%	5.01%	5.29%	5.00%
Spread	1.71%	1.79%	1.31%	1.15%	1.18%

6.7 Gilt yields and PWLB certainty rates were on a generally rising trend throughout the first half of 2023/24. At the beginning of April, the 5-year rate was the cheapest part of the curve and touched 4.14% whilst the 25-year rate was relatively expensive at 4.58%.

6.8 July saw short-dated rates peak at their most expensive. The 1-year rate spiked to 6.36% and the 5-year rate to 5.93%. Although, in due course, short-dated rate expectations fell, the medium dates shifted higher through August and the 10-year rate pushed higher to 5.51% and the 25-year rate to 5.73%. The 50-year rate was 4.27% on 5th April but rose to 5.45% on 28th September.

6.9 Link Group (the Council’s external treasury management advisor) forecasts rates to fall back over the next two to three years as inflation dampens. The CPI measure of inflation is expected to fall below 2% in the second half of 2024, and Link Group forecasts 50-year rates to stand at 3.90% by the end of September 2025. However, there is considerable gilt issuance to be digested by the market over the next couple of years, as a minimum, so there is a high degree of uncertainty as to whether rates will fall that far.

6.10 The current PWLB rates are set as margins over gilt yields as follows: -

- **PWLB Standard Rate** is gilt plus 100 basis points (G+100bps)
- **PWLB Certainty Rate (GF)** is gilt plus 80 basis points (G+80bps)
- **PWLB Local Infrastructure Rate** is gilt plus 60bps (G+60bps)
- **PWLB Certainty Rate (HRA)** is gilt plus 40bps (G+40bps)

The **UK Infrastructure Bank** will lend to local authorities that meet its scheme criteria at a rate currently set at gilt plus 40bps (G+40bps).

6.11 Debt rescheduling opportunities have increased over the course of the past six months and will be considered if giving rise to long-term savings. However, no debt rescheduling has been undertaken to date in the current financial year.

6.12 The Council’s budgeted debt interest payable for 2023/24 is £2.077m (£1.039m half-year) and performance for the first half of the financial year is below budget at £0.401m, reflecting the use of internal borrowing (see section 6.1). The revised estimate for 2023/24 is £2.388m.

7 Treasury Management Indicators

7.1 Ratio of financing costs to net revenue stream

This indicator identifies the trend in the cost of capital (borrowing and other long term obligation costs net of investment income) against the net revenue stream.

%	2023/24 Original Indicator	2023/24 Revised Indicator
GF	10.0%	5.6%
HRA	6.6%	3.5%

7.2 Maturity Structures of Borrowing

These gross limits are set to reduce the Council’s exposure to large fixed rate sums falling due for refinancing.

	2023/24 Original Upper Limit	Current Position – Actual at 30/09/23	2023/24 Revised Upper Limit

Maturity structure of fixed rate borrowing			
Under 12 months	50%	35.7%	50%
1 year to under 2 years	50%	0.4%	50%
2 years to under 5 years	50%	1.3%	50%
5 years to under 10 years	50%	12.0%	50%
10 years to under 20 years	50%	35.8%	50%
20 years to under 30 years	50%	9.7%	50%
30 years to under 40 years	50%	0.0%	50%
40 years to under 50 years	50%	5.1%	50%
50 years and above	50%	0.0%	50%

The current position shows the actual percentage of fixed rate debt the authority has within each maturity span. None of the upper limits have been breached.

8 Options

8.1 The recommended option (to ensure regulatory compliance as set out in section 1 of this report) is that Council:

- Makes comments on this report and annexes as appropriate.
- Approves this report and annexes (including the prudential and treasury indicators that are shown and the proposed changes to the 2023/24 Treasury Management Strategy Statement).

8.2 Alternatively, Council may decide not to do this and advise the reason(s) why.

9 Disclaimer

9.1 This report (including annexes) is a technical document focussing on public sector investments and borrowings and, as such, readers should not use the information contained within the report to inform personal investment or borrowing decisions. Neither Thanet District Council nor any of its officers or employees makes any representation or warranty, express or implied, as to the accuracy or completeness of the information contained herein (such information being subject to change without notice) and shall not be in any way responsible or liable for the contents hereof and no reliance should be placed on the accuracy, fairness or completeness of the information contained in this document. Any opinions, forecasts or estimates herein constitute a judgement and there can be no assurance that they will be consistent with future results or events. No person accepts any liability whatsoever for any loss howsoever arising from any use of this document or its contents or otherwise in connection therewith.

Contact Officer: Chris Blundell, Director of Corporate Services & Section 151 Officer
Reporting to: Colin Carmichael, Interim Chief Executive

Annex List

Annex 1: Economic Update, Interest Rate Forecast and Debt Maturity

Annex 2: Guidance on the Treasury Management Strategy Statement and Annual
Investment Strategy – Mid Year Review Report 2023/24

Corporate Consultation Undertaken

Finance: N/A

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

ANNEX 1 – ECONOMIC UPDATE, INTEREST RATE FORECAST AND DEBT MATURITY

1 Link Group’s Economic Update (issued by Link on 4 October 2023)

1.1 The first half of 2023/24 saw:

- Interest rates rise by a further 100 basis points, taking Bank Rate from 4.25% to 5.25% and, possibly, the peak in the tightening cycle.
- Short, medium and long-dated gilts remain elevated as inflation continually surprised to the upside.
- A 0.5% m/m decline in real GDP in July, mainly due to more strikes.
- Consumer Price Index (CPI) inflation falling from 8.7% in April to 6.7% in August, its lowest rate since February 2022, but still the highest in the G7.
- Core CPI inflation declining to 6.2% in August from 7.1% in April and May, a then 31 years high.
- A cooling in labour market conditions, but no evidence yet that it has led to an easing in wage growth (as the 3myy growth of average earnings rose to 7.8% in August, excluding bonuses).

1.2 The 0.5% m/m fall in GDP in July suggests that underlying growth has lost momentum since earlier in the year. Some of the weakness in July was due to there being almost twice as many working days lost to strikes in July (281,000) than in June (160,000). But with output falling in 10 out of the 17 sectors, there is an air of underlying weakness.

1.3 The fall in the composite Purchasing Managers Index from 48.6 in August to 46.8 in September left it at its lowest level since COVID-19 lockdowns reduced activity in January 2021. At face value, it is consistent with the 0.2% q/q rise in real GDP in the period April to June, being followed by a contraction of up to 1% in the second half of 2023.

1.4 The 0.4% m/m rebound in retail sales volumes in August is not as good as it looks as it partly reflected a pickup in sales after the unusually wet weather in July. Sales volumes in August were 0.2% below their level in May, suggesting much of the resilience in retail activity in the first half of the year has faded.

1.5 As the growing drag from higher interest rates intensifies over the next six months, Link thinks the economy will continue to lose momentum and soon fall into a mild recession. Strong labour demand, fast wage growth and government handouts have all supported household incomes over the past year. And with CPI inflation past its peak and expected to decline further, the economy has got through the cost-of- living crisis without recession. But even though the worst of the falls in real household disposable incomes are behind us, the phasing out of financial support packages provided by the government during the energy crisis means real incomes are unlikely to grow strongly. Higher interest rates will soon bite harder too. Link expects the Bank of England to keep interest rates at the probable peak of 5.25% until the second half of 2024. Mortgage rates are likely to stay above 5.0% for around a year.

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Annex 1

- 1.6 The tightness of the labour market continued to ease, with employment in the three months to July falling by 207,000. The further decline in the number of job vacancies from 1.017m in July to 0.989m in August suggests that the labour market has loosened a bit further since July. That is the first time it has fallen below 1m since July 2021. At 3.0% in July, and likely to have fallen to 2.9% in August, the job vacancy rate is getting closer to 2.5%, which would be consistent with slower wage growth. Meanwhile, the 48,000 decline in the supply of workers in the three months to July offset some of the loosening in the tightness of the labour market. That was due to a 63,000 increase in inactivity in the three months to July as more people left the labour market due to long term sickness or to enter education. The supply of labour is still 0.3% below its pre-pandemic February 2020 level.
- 1.7 But the cooling in labour market conditions still has not fed through to an easing in wage growth. While the monthly rate of earnings growth eased sharply from an upwardly revised +2.2% in June to -0.9% in July, a lot of that was due to the one-off bonus payments for NHS staff in June not being repeated in July. The headline 3myy rate rose from 8.4% (revised up from 8.2%) to 8.5%, which meant UK wage growth remains much faster than in the US and in the Euro-zone. Moreover, while the Bank of England's closely watched measure of regular private sector wage growth eased a touch in July, from 8.2% 3myy in June to 8.1% 3myy, it is still well above the Bank of England's prediction for it to fall to 6.9% in September.
- 1.8 CPI inflation declined from 6.8% in July to 6.7% in August, the lowest rate since February 2022. The biggest positive surprise was the drop in core CPI inflation, which declined from 6.9% to 6.2%. That reverses all the rise since March and means the gap between the UK and elsewhere has shrunk (US core inflation is 4.4% and in the Euro-zone it is 5.3%). Core goods inflation fell from 5.9% to 5.2% and the further easing in core goods producer price inflation, from 2.2% in July to a 29-month low of 1.5% in August, suggests it will eventually fall close to zero. But the really positive development was the fall in services inflation from 7.4% to 6.8%. That also reverses most of the rise since March and takes it below the forecast of 7.2% the Bank of England published in early August.
- 1.9 In its latest monetary policy meeting on 20 September, the Bank of England left interest rates unchanged at 5.25%. The weak August CPI inflation release, the recent loosening in the labour market and the downbeat activity surveys appear to have convinced the Bank of England that it has already raised rates far enough. The minutes show the decision was "finely balanced". Five Monetary Policy Committee members (Bailey, Broadbent, Dhingra, Pill and Ramsden) voted for no change and the other four (Cunliffe, Greene, Haskel and Mann) voted for a 25 basis point hike.
- 1.10 Like the US Fed, the Bank of England wants the markets to believe in the higher for longer narrative. The statement did not say that rates have peaked and once again said if there was evidence of more persistent inflation pressures "further tightening in policy would be required". Governor Bailey stated, "we'll be watching closely to see if further increases are needed". The Bank also retained the hawkish guidance that rates will stay "sufficiently restrictive for sufficiently long".
- 1.11 This narrative makes sense as the Bank of England does not want the markets to decide that a peak in rates will be soon followed by rate cuts, which would loosen financial conditions and undermine its attempts to quash inflation. The language also gives the Bank of England the flexibility to respond to new developments. A rebound in services inflation, another surge in wage growth and/or a further leap in oil prices

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Annex 1

could conceivably force it to raise rates at the next meeting on 2nd November, or even pause in November and raise rates in December.

- 1.12 The yield on 10-year Gilts fell from a peak of 4.74% on 17th August to 4.44% on 29th September, mainly on the back of investors revising down their interest rate expectations. But even after their recent pullback, the rise in Gilt yields has exceeded the rise in most other Developed Market government yields since the start of the year. Looking forward, once inflation falls back, Gilt yields are set to reduce further. A (mild) recession over the next couple of quarters will support this outlook if it helps to loosen the labour market (higher unemployment/lower wage increases).
- 1.13 The pound weakened from its cycle high of \$1.30 in the middle of July to \$1.21 in late September. In the first half of the year, the pound bounced back strongly from the Truss debacle last autumn. That rebound was in large part driven by the substantial shift up in UK interest rate expectations. However, over the past couple of months, interest rate expectations have dropped sharply as inflation started to come down, growth faltered, and the Bank of England called an end to its hiking cycle.
- 1.14 The FTSE 100 has gained more than 2% since the end of August, from around 7,440 on 31st August to 7,608 on 29th September. The rebound has been primarily driven by higher energy prices which boosted the valuations of energy companies. The FTSE 100's relatively high concentration of energy companies helps to explain why UK equities outperformed both US and Euro-zone equities in September. Nonetheless, as recently as 21st April the FTSE 100 stood at 7,914.

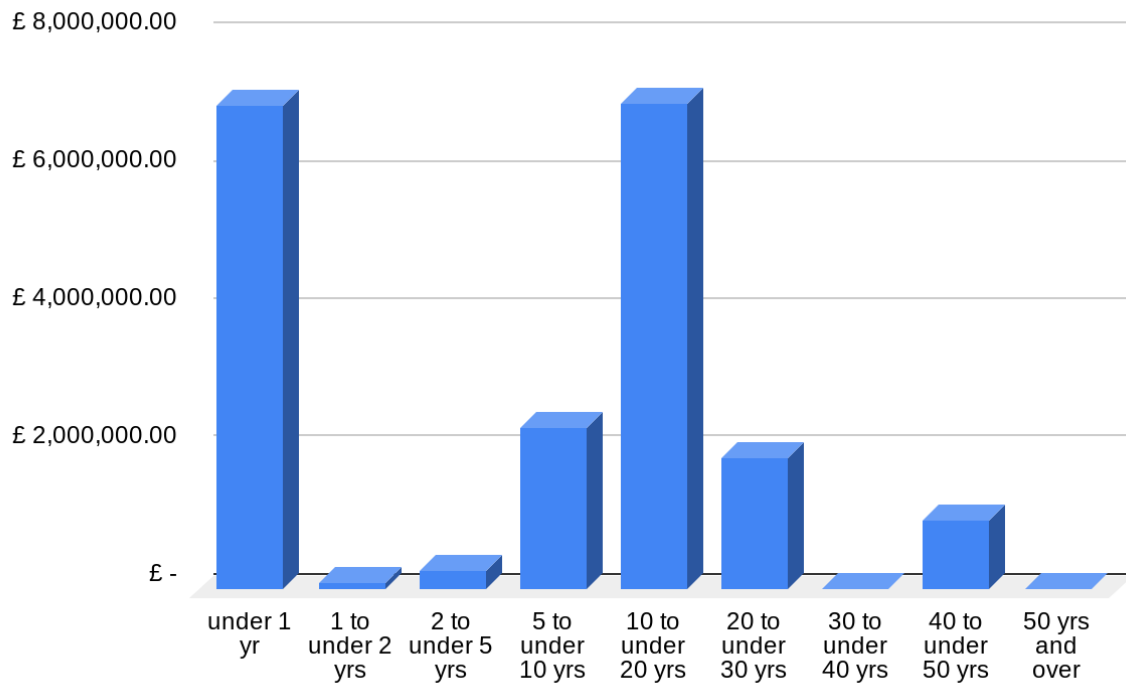
2 Link Group's Interest Rate Forecast (issued by Link on 4 October 2023)

- 2.1 The Council has appointed Link Group as its treasury advisors and part of their service is to assist the Council to formulate a view on interest rates.
- 2.2 Link's latest forecast on 25th September 2023 sets out a view that short, medium and long-dated interest rates will be elevated for some little while, as the Bank of England seeks to squeeze inflation out of the economy.
- 2.3 Link's PWLB rate forecasts below are based on the Certainty Rate (the standard rate minus 20 basis points, calculated as gilts plus 80 basis points) which has been accessible to most authorities since 1st November 2012.

Link Group Interest Rate View	25.09.23												
	Dec-23	Mar-24	Jun-24	Sep-24	Dec-24	Mar-25	Jun-25	Sep-25	Dec-25	Mar-26	Jun-26	Sep-26	Dec-26
BANK RATE	5.25	5.25	5.25	5.00	4.50	4.00	3.50	3.00	2.75	2.75	2.75	2.75	2.75
3 month ave earnings	5.30	5.30	5.30	5.00	4.50	4.00	3.50	3.00	2.80	2.80	2.80	2.80	2.80
6 month ave earnings	5.60	5.50	5.40	5.10	4.60	4.10	3.60	3.10	2.90	2.90	2.90	2.90	2.90
12 month ave earnings	5.80	5.70	5.50	5.20	4.70	4.20	3.70	3.20	3.00	3.00	3.00	3.00	3.00
5 yr PWLB	5.10	5.00	4.90	4.70	4.40	4.20	4.00	3.90	3.70	3.70	3.60	3.60	3.50
10 yr PWLB	5.00	4.90	4.80	4.60	4.40	4.20	4.00	3.80	3.70	3.60	3.60	3.50	3.50
25 yr PWLB	5.40	5.20	5.10	4.90	4.70	4.40	4.30	4.10	4.00	3.90	3.80	3.80	3.80
50 yr PWLB	5.20	5.00	4.90	4.70	4.50	4.20	4.10	3.90	3.80	3.70	3.60	3.60	3.60

3 **Debt Maturity**

3.1 The maturity structure of the Council's borrowing as at 30 September 2023 (as per section 7 of the main report) is shown below in graph format.



3.2 As per section 6.3 of the main report, £0.165m of council debt with the PWLB matured, and was repaid, during the first half of this financial year.

**ANNEX 2 – GUIDANCE ON THE TREASURY MANAGEMENT STRATEGY STATEMENT
AND ANNUAL INVESTMENT STRATEGY – MID YEAR REVIEW REPORT 2023/24**

Prudential Code

The Prudential Code was developed by the Chartered Institute of Public Finance and Accountancy (CIPFA) as a professional code of practice for capital finance, to which local authorities must have regard.

Capital Expenditure

The Capital Expenditure table (section 4.3 of report) is split between the Council's Housing Revenue Account (HRA) and General Fund (GF or non-HRA). The HRA is a 'ring-fenced' account for local authority housing.

The table also shows the resources used to fund the capital expenditure (being capital receipts from the sale of assets, capital grants, reserves and revenue) and any shortfall in resources. This shortfall represents the Council's borrowing need.

Borrowing Limits

The Capital Financing Requirement (CFR) represents the Council's aggregate borrowing need. i.e. the element of the capital programme that cannot be funded. Borrowing may only be undertaken for capital expenditure purposes.

The Limits to Borrowing Activity table (section 4.5 of report) shows that the Council's debt is not more than the CFR because, as above, the CFR represents the Council's aggregate borrowing need.

Borrowing limits (sections 4.5 and 7.2 of report) – there are various general controls on the Council's borrowing activity (operational boundary, authorised limit and maturity profiles).

Investments

General controls on the Council's investment activity to safeguard the security and liquidity of its investments (as set out in the Council's Annual Investment Strategy), include:

- Creditworthiness of investment counterparties.
- Counterparty money limits.
- Counterparty time limits.
- Counterparty country limits.

Borrowing Sources/ Types

PWLB (section 6 of report) is the Public Works Loan Board which is a statutory body operating within the UK Debt Management Office, an Executive Agency of HM Treasury. PWLB's function is to lend money from the National Loans Fund to local authorities, and to collect the repayments.

The Council has the following types of fixed rate loan with the PWLB:

- Annuity: fixed half-yearly payments to include principal and interest.
- Equal Instalments of Principal: equal half-yearly payments of principal together with interest on the outstanding balance.
- Maturity: half-yearly payments of interest only with a single payment of principal at the end of the term.

Financing Costs as a Proportion of Net Revenue Stream

This shows (section 7.1 of report), separately for HRA and GF, the percentage of the Council's revenue stream that is used to finance the CFR (net interest payable and Minimum Revenue Provision (MRP)).

MRP is the annual resource contribution from revenue which must be set against the CFR so that it does not increase indefinitely.

KEY DECISION DEFINITION

Full Council	7 December 2023
Report Author	Committee Service Manager
Portfolio Holder	Councillor Yates, Portfolio Holder for Corporate Services
Status	For Recommendation
Classification:	Unrestricted
Previously considered by:	Constitutional Review Working Party - 9 November 2023 Standards Committee - 20 November 2023

Executive Summary:

As part of the review by the Independent Monitoring Officer, it was recommended:

“To review the scheme of delegation to ensure that it is clear and easy to understand and also includes appropriate conditions requiring engagement of Cllrs in strategic and high-risk decisions.”

This report looks at the current definition of a key decision and suggests some amendments to it in order to meet the recommendation set out above. The report asks the Standards Committee to look at the changes and consider the recommendation from the Constitutional Review Working Party (CRWP) and then make a recommendation (with any further amendments they might wish to make) to the Full Council.

Recommendation(s):

Members are being asked to agree the proposed changes to the Key Decision definition as recommended by the Standards Committee in paragraph 5.1 of the report.

Corporate Implications

Financial and Value for Money

The key decision threshold gives clarity to the Council about the decision making process for spending significant amounts of money. Regular review of the thresholds keeps the definition relevant and minimises risk to the Council from incorrect decision making. Changes to these limits have no impact on the robustness of controls as these are picked up elsewhere under Contract standing orders and Financial Procedure Rules.

Legal

The Statutory Definition of Key Decision is as set out in Regulation 8 of the Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 made pursuant to the Local Government Act 2000, which as follows:

“A “key decision” means an executive decision, which is likely— (a) to result in the relevant local authority incurring expenditure which is, or the making of savings which are, significant having regard to the relevant local authority’s budget for the service or function to which the decision relates; or (b) to be significant in terms of its effects on communities living or working in an area comprising two or more wards or electoral divisions in the area of the relevant local authority.

In determining the meaning of “significant” for the purposes of paragraph (1) the local authority must have regard to any guidance for the time being issued by the Secretary of State in accordance with section 9Q of the 2000 Act.. Whilst there is currently no guidance under S9Q in this regard, guidance issued under S38 of the 2000 Act makes clear that the local authority should agree as a full council limits above which items are significant and publish these limits. A local authority is able to set different thresholds for different services or functions, bearing in mind the overall budget for those services and functions and the likely impact on communities of each service or function. The Council is able to review and amend these limits if considered appropriate and following consideration by the full Council.

Risk Management

See the Financial and Value for Money section of the report.

Corporate

It is important for the Council to regularly review elements of its constitution to ensure that it remains up to date.

Equality Act 2010 & Public Sector Equality Duty

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

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

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

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

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

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 As part of the review by the Independent Monitoring Officer, it was recommended:

“To review the scheme of delegation to ensure that it is clear and easy to understand and also includes appropriate conditions requiring engagement of Cllrs in strategic and high-risk decisions.”

1.2 The Council has recently published revised Officer delegations as another strand of addressing this recommendation via the General Purposes Committee. This report allows the Council to review its key decision thresholds, thereby defining the decisions the Council considers to be so significant, strategic or high-risk that only the Cabinet may take them.

1.3 This report along with the officer delegations report referenced above and the Policy Framework report elsewhere on this agenda together will complete the work needed to satisfy the recommendation of the Independent Monitoring Officer.

1.4 The report shows the current definition and outlines the suggested changes and comments from both the Council’s management team and the Cabinet.

2.0 The Current Situation

2.1 The current definition of a key decision in the Council’s constitution (Part 2 para. 13.03) is:

Key decisions. A “key decision” which must be included in the Forward Plan, is an executive decision: ~~which is likely:~~

- 1) Which is likely to involve the incurring of expenditure, or the making of savings, by the Council, which are anticipated to be £250,000 or above. The exception to this rule being where approval has previously been received to incur that expenditure by the Executive, notwithstanding criterion 3; or
- 2) Where the Council is entering into a contractual obligation with a value of £750,000 or above; or
- 3) For the acquisition or disposal of land or property with a value of £750,000 or above; or

- 4) Where the effect would be on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as “key” if the impact is likely to be very significant.

2.2 Democratic Services undertook a desktop research exercise to discern if there was a common financial definition for key decisions amongst other Kent Councils. Our research found that the limits were as follows.

- One set at £50,000
- One set at £200,000
- Four set at £250,000
- One set at £300,000
- Four have the words significant rather than a figure.

2.3 CMT took these amounts into consideration and proposed the following amendments to the key decision threshold:

Key decisions. A “key decision” which must be included in the Forward Plan, is an executive decision: ~~which is likely:~~

- 1) Which is likely to involves the incurring of expenditure, or the making of **one-off** savings, by the Council, which are anticipated to be £250,000 or **above more***. The exceptions to this rule being: ~~where approval has previously been received to incur that expenditure by the Executive, notwithstanding criterion 3; or~~
 - a) **Where approval has previously been received to incur that expenditure by the Cabinet.****
 - b) **For the acquisition, enhancement or disposal of land or property with a value of £1m, a new key decision would be needed even if previous generic permission has been received via another key decision.**
- 2) ~~Where the Council is entering into a contractual obligation with a value of £750,000 or above; Which is likely to~~ **have an annual expenditure of less than £250,000, but has a total contract value over the lifetime of the contract of over £750,000.**
- 3) ~~For the acquisition or disposal of land or property with a value of £750,000 or above; or~~
or
- 3) Where the effect would be on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as “key” if the impact is likely to be very significant.

***With regard to property leases the £250k value is defined as the letting or taking of a lease with a cumulative rental value in excess of £250k over the first 5 years of the lease**

****Having the budget approved by Council does not mean that an individual has permission to proceed with their project.**

- 2.4 When presented with the proposed changes the Cabinet expressed no wish to amend them.

3.0 Main Changes

- 3.1 At first glance there may appear to be many changes, however there are no major changes to the definition and the changes that have been made are designed to clarify the existing definition rather than change it.
- 3.2 Paragraph 3 of the definition has been moved to be part of the exception to the 1st paragraph, to make it clear that this is part of the exception and not a separate point. The amount for the acquisition, enhancement or disposal of land or property has risen from £750,000 to £1m, this reflects property price increases. Paragraph 2 has been amended to make clear at what levels contracts become key decisions.
- 3.3 It is also important for context that the Council's constitution does not permit any officer (including the Chief Executive) to take a key decision. All key decisions must be taken by Cabinet or an individual cabinet member. This has not changed.

4.0 Examples

- 4.1 Members may find some examples helpful to understand how the definition works.
- 4.2 **Example 1** - The Council wishes to purchase a new fleet of small refuse vehicles, the total cost is £3.2m. This would be a key decision as per paragraph 1) of the definition as it would be more than £250,000.
- 4.3 **Example 2** - The Council enters into a 4 four year contract for a new planning computer system, the cost is £105,000 per year. Therefore the total cost of the contract over its lifetime would be £420,000 as per paragraph 2 this would not be a key decision as the total contract value is less than £750,000 over its lifetime.
- 4.4 **Example 3** - The Council creates a land trust of £5m to purchase and regenerate properties in the district. This would be a key decision as per paragraph 1) of the definition as it would be more than £250,000. Once this decision had been made the appropriate officer then purchased a property of £650,000. This would not be a key decision as per paragraph 1a) as permission to spend that money had already been obtained via the original key decision. If however the appropriate officer then purchased a property of £1.5m this would be another key decision as per paragraph 1b) as it was over £1m.

5.0 Recommendation from the Standards Committee

- 5.1 The Standards Committee considered this paper at its meeting on 20 November 2023 and made the following recommendation:

That:

- a) the proposed changes to the Key Decision definition report as detailed in paragraph 2.3 above namely:

A “key decision” which must be included in the Forward Plan, is an executive decision:

- 1) Which is likely to involve the incurring of expenditure, or the making of one-off savings, by the Council, which are anticipated to be £250,000 or more*. The exceptions to this rule being:
 - a) Where approval has previously been received to incur that expenditure by the Cabinet.**
 - b) For the acquisition, enhancement or disposal of land or property with a value of £1m, a new key decision would be needed even if previous generic permission has been received via another key decision.
- 2) Which is likely to have an annual expenditure of less than £250,000, but has a total contract value over the lifetime of the contract of over £750,000.

or

- 3) Where the effect would be on communities living or working in the district, in an area comprising two or more wards. However, decisions that impact on communities living or working in one ward will be treated as “key” if the impact is likely to be very significant.

*With regard to property leases the £250k value is defined as the letting or taking of a lease with a cumulative rental value in excess of £250k over the first 5 years of the lease

**Having the budget approved by Council does not mean that an individual has permission to proceed with their project.

Be approved.

- b) that there be a review of the financial threshold for key decisions (currently set at £250,000) within two years of the revised definition being agreed.

6.0 Options

6.1 Members are asked to consider the recommendation from the Standards Committee and agree one of the following options:

- a) To agree to the recommendation from the Standards Committee.
- b) To recommend other amendments on the key decision definition to the Standards Committee
- c) To agree that no amendments are made to the key decision threshold.

7.0 Next Steps

- 7.1 If agreed by Council the changes to the key decision thresholds would be amended in the Council's Constitution and would become effective from the date of the Full council decision.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham (Head of Finance and Procurement)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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REVIEW OF THE COUNCIL'S POLICY FRAMEWORK

Full Council	7 December 2023
Report Author	Committee Service Manager
Portfolio Holder	Councillor Yates, Portfolio Holder for Corporate Services
Status	For Recommendation
Classification:	Unrestricted
Previously considered by:	Constitutional Review Working Party - 9 November 2023 Standards Committee - 20 November 2023

Executive Summary:

As part of the review by the Independent Monitoring Officer, it was recommended:

“To review the scheme of delegation to ensure that it is clear and easy to understand and also includes appropriate conditions requiring engagement of Cllrs in strategic and high-risk decisions.”

This report allows the Council to review the content of its Policy Framework, thereby defining the decisions the Council considers to be so significant, strategic or high-risk that only Full Council may take them. By defining the most important decisions, it allows for clarity on what can then be retained by Cabinet or Committees and in turn what can be delegated to the Head of Paid Service.

The report recommends updating the Council's policy framework by removing the Housing Investment Programme, the Food Law Enforcement Service Plan and the Local Transport Plan from its Policy Framework and replacing them with the Housing, Homelessness and Rough Sleeping Strategy, Housing Assistance Policy, HRA Business Plan and the Treasury Management Strategy. The reasoning for these changes are outlined in paragraph 2.6 of the body of the report.

Recommendation(s):

Members are being asked to agree the proposed changes to the Policy Framework as recommended by the Standards Committee in paragraph 2.4 of the report.

Members are asked to consider the recommendation from the Standards Committee regarding content of the Council's Policy Framework.

Corporate Implications

Financial and Value for Money

There are no financial implications to the report.

Legal

The Local Government Act 2000 requires the Council to periodically review and update its written Constitution. The proposals to amend the policy framework as set out in this report are congruent with those requirements. Any decision in relation to the Council's Policy Framework must be taken by Full Council.

Risk Management

There are no risks associated with this report.

Corporate

It is important for the Council to regularly review elements of its constitution to ensure that it remains up to date.

Equality Act 2010 & Public Sector Equality Duty

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

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

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

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

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 As part of the review by the Independent Monitoring Officer, it was recommended:

“To review the scheme of delegation to ensure that it is clear and easy to understand and also includes appropriate conditions requiring engagement of Cllrs in strategic and high-risk decisions.”

- 1.2 The Council has recently published revised Officer delegations as another strand of addressing this recommendation via the General Purposes Committee. This report allows the Council to review the content of its Policy Framework, thereby defining the decisions the Council considers to be so significant, strategic or high-risk that only Full Council may take them.
- 1.3 This report along with the officer delegations report referenced above and the Key decision definition report elsewhere on this agenda together will complete the work needed to satisfy the recommendation of the Independent Monitoring Officer.
- 1.4 The report shows the Council’s current Policy Framework and the changes proposed to it.

2.0 The Current Situation

- 2.1 The Council’s Policy Framework consists of a number of plans and strategies which have been adopted by the Council. Some of these are required to be part of the Council’s framework under the Local Government Act 2000. The Council can also decide to add further plans and strategies to its Policy Framework if it wishes.
- 2.2 When considering an item from its policy framework the associated report must be considered by the Council’s Overview and Scrutiny Panel, its Cabinet and the final decision must be made by Full Council.
- 2.3 The Council’s current policy framework is as follows:
 1. Community Safety Plan;
 2. Local Transport Plan;
 3. Plans and strategies which together comprise the Local Plan
 4. Council’s Corporate Plan
 5. Housing Investment Programme
 6. Food Law Enforcement Service Plan;
- 2.4 The Council’s management team reviewed the existing policy framework and made the following suggested changes:
 1. Community Safety Plan;
~~Local Transport Plan;~~
 2. Plans and strategies which together comprise the Local Plan
 3. Council’s Corporate Plan;
~~Housing Investment Programme~~
~~Food Law Enforcement Service Plan;~~
 4. Housing, Homelessness and Rough Sleeping Strategy
 5. Housing Assistance Policy
 6. HRA Business Plan
 7. Treasury Management Strategy

2.5 The Local Transport Plan, the Housing Investment Plan and the Food Law Service Plan have all been removed from the plan and have been replaced by the Housing, Homelessness and Rough Sleeping Strategy, Housing Assistance Policy, HRA Business Plan and the Treasury Management Strategy.

2.6 The reasoning for this is set out below:

Item	Reason
Local Transport Plan - removal	The Local Transport Plan is part of the Local Plan which is already listed as part of the framework, so it is not necessary to list it separately.
Housing Investment Programme - removal	This term is no longer used, so is meaningless in the context of the plan, it has been replaced by a selection of other significant housing policies.
Food Law Enforcement Service Plan; - removal	The plan is still required, but it is not required to be part of the framework, so it is being recommended for removal.
Housing, Homelessness and Rough Sleeping Strategy	This is a significant housing policy that is deemed sufficiently important to be considered as part of the framework.
Housing Assistance Policy	This is a significant housing policy that is deemed sufficiently important to be considered as part of the framework.
HRA Business Plan	This is a significant housing policy that is deemed sufficiently important to be considered as part of the framework.
Treasury Management Strategy	Part of the statutory guidance that we must have regard to states that the Treasury Management Strategy should be approved by Full Council.

2.7 It is important to note that the policy framework is not an exhaustive list of items that should be considered by Full Council, there are still many items that by law have to be taken to Council, but are not required to be part of the framework.

2.8 Cabinet have reviewed the suggested changes and have raised no issues with them.

3.0 Recommendation from the Standards Committee

3.1 The Standards Committee considered this paper at its meeting on 20 November and made the following recommendation:

1. That the proposed changes to the Policy Framework as detailed in paragraph 2.4 above be adopted.

4.0 Options

- 4.1 Members are asked to consider the recommendation from the Standards Committee and agree one of the following options:
 - a) To agree to the recommendation from the Standards Committee regarding the Policy Framework.
 - b) To make alternative proposals to the Policy Framework.
 - c) To make no changes are made to the Council's Policy Framework.

5.0 Next Steps

- 5.1 If agreed by Council the changes to the Policy Framework would be amended in the Council's Constitution and would become effective from the date of the Full Council decision.

Contact Officer: Nick Hughes, Committee Services Manager

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham (Head of Finance and Procurement)

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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AMENDMENTS COUNCIL PROCEDURE RULES REGARDING FREQUENCY OF QUESTIONS

Full Council	7 December 2023
Report Author	Committee Services Manager
Portfolio Holder	Cllr Yates, Portfolio Holder for Corporate Services
Status	For Recommendation
Classification:	Unrestricted
Ward:	All
Previously considered by:	Constitutional Review Working Party - 9 November 2023 Standards Committee - 20 November 2023

Executive Summary:

The current question rules allow for a question that has been asked by a Councillor to be asked again by a member of the Public within a six month period and vice versa. This report corrects this by amending the Council Procedure Rules so that no question irrespective of who asks it can be asked again in a six month period.

Recommendation(s):

To amend Part 4, Rules of Procedure, paragraph 13.5 of the Council's constitution to read:

"The Chief Executive will reject a question if it:.....

- is substantially the same as a question which has been **validly received** or put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

To amend Part 4, Rules of Procedure, paragraph 14.6 of the Council's constitution to read:

"A question shall not be:.....

- substantially the same as a question which has been **validly received or** put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report.

Legal

The legal implications are outlined throughout the report.

Risk Management

There are no risk implications arising directly from this report.

Corporate

Reviewing the Council's constitution on a regular basis ensures that the rules that Council meetings follow are up to date and ensure that business is conducted effectively and efficiently.

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 aims of the equality duty: -

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

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

- 1.1 The current question rules allow for a question that has been asked by a Councillor to be asked again by a member of the Public within a six month period and vice versa. This can be seen from Part 4, Rules of Procedure, paragraphs 13.5 and 14.6 of the Council's constitution.

2.0 Current Rules

2.2 Part 4, Rules of Procedure, Paragraph 13.5 of the Council's constitution reads:

"The Chief Executive will reject a question if it:.....

- is substantially the same as a question which has been put at a meeting of the Council in the past six months

It could be interpreted that this paragraph means any question at all irrespective of its author, however as it sits in a section regarding questions from the press and public there is an equally valid argument that it only applies to questions covered by this section i.e questions from the press and public.

2.3 Part 4, Rules of Procedure, Paragraph 14.6 of the Council's constitution reads:

"A question shall not be:.....

- substantially the same as a question which has been put at a meeting of the Council in the past six months.

Again, as this paragraph sits in a section regarding questions from members of the Council it is reasonable to make a case that it only applies to those types of questions and not from other originators.

2.4 This ambiguity can lead to confusion for Democratic Services, Councillors and members of the public.

3.0 Proposed solution

3.1 Following discussion with the Monitoring Office, Democratic Services propose to make the following amendments:

To amend paragraph 13.5 of Part 4, Rules of Procedure in the Council's constitution to read:

"The Chief Executive will reject a question if it:.....

- is substantially the same as a question which has been **validly received** or put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

To amend paragraph 14.6 of Part 4, Rules of Procedure in the Council's constitution to read:

"A question shall not be:.....

- substantially the same as a question which has been **validly received** put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

- 3.2 These amendments make it clear that these sections are to be interpreted as meaning that if Democratic Services received a question from either members of the public or Councillors that is substantially the same as one validly put in the last six months it will be rejected.
- 3.3 In addition “validly received” has also been added to the criteria. This has also been added, as there have been numerous occasions where both Councillors and members of the public have submitted almost identical questions, but because they were yet to be put, they could not be rejected for being “substantially similar”.
- 3.4 Given the recent significant increase in the number of questions received for question time at Full Council, these amendments will avoid repeat questions and will allow more time for a wider variety of questions to be asked by both members of the public and Councillors.
- 3.5 It is also important to note that all answers to both questions from members of the public and Councillors are available on the Council’s website at: <https://www.thanet.gov.uk/info-pages/speaking-at-council-meetings/>

4.0 Recommendation from the Standards Committee

- 4.1 The Standards Committee considered this paper at its meeting on 20 November and made the following recommendation:

“To amend Part 4, Rules of Procedure, paragraph 13.5 of the Council’s constitution to read:

“The Chief Executive will reject a question if it:.....

- is substantially the same as a question which has been **validly received** or put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;**

To amend Part 4, Rules of Procedure, paragraph 14.6 of the Council’s constitution to read:

“A question shall not be:.....

- substantially the same as a question which has been **validly received** or put at a meeting of the Council in the past six months **by either a Councillor or a member of the public;”**

5.0 Options

- 5.1 Members are asked to consider the recommendation from the Standards Committee and agree one of the following options:
- a) To agree the recommendations from the Standards Committee.
 - b) Make alternative changes to those in paragraph 4.1 of this report.
 - c) To make no changes be made to the Council’s questions procedure.

6.0 Next Steps

- 6.1 If agreed by Council the changes to the key decision thresholds would be amended in the Council's Constitution and would become effective from the date of the Full council decision.

Contact Officer: Nicholas Hughes (Committee Services Manager)

Reporting to: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

Annex List

None

Background Papers

None

Corporate Consultation

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

Legal: Ingrid Brown (Head of Legal and Democracy & Monitoring Officer)

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