



Date: 5 February 2024
Our ref: Overview and Scrutiny Panel/Agenda
Ask For: Charles Hungwe
Direct Dial: (01843) 577207
Email: charles.hungwe@officer.thanet.gov.uk

OVERVIEW & SCRUTINY PANEL

15 FEBRUARY 2024

A meeting of the Overview & Scrutiny Panel will be held at **7.00 pm on Thursday, 15 February 2024** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Fellows (Chair); Councillors: D Green (Vice-Chair), Austin, Bright, Britcher, Currie, d'Abbro, Davis, Farooki, Kup, Paul Moore, Packman, Pope, Wing and Worrow

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATION OF INTERESTS** (Pages 3 - 4)
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 16)
To approve the Minutes of the Overview and Scrutiny Panel meeting held on 16 January 2024, copy attached.
4. **CHANGES TO THE STATUTORY INSTRUMENT GOVERNING THE LEVEL OF FINES FOR FLY TIPPING, BREACH OF DUTY OF CARE** (Pages 17 - 26)
5. **PURCHASE OF 2 X MECHANICAL SWEEPER VEHICLES** (Pages 27 - 30)
6. **RAMSGATE REGENERATION PROGRAMME** (Pages 31 - 62)
7. **REVIEW OF OVERVIEW AND SCRUTINY WORK PROGRAMME FOR 2023/24** (Pages 63 - 76)
8. **FORWARD PLAN AND EXEMPT CABINET REPORT LIST** (Pages 77 - 92)

Item
No

Subject



Please scan this barcode for an electronic copy of this agenda.



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](#).

OVERVIEW & SCRUTINY PANEL

Minutes of the meeting held on 16 January 2024 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Phil Fellows (Chair); Councillors D Green, Austin, Bright, Britcher, Currie, d'Abbro, Davis, Farooki, Kup, Manners, Packman, Pope, Wing and Worrow

In Attendance: Councillors J Bayford, Dennis, Keen, Whitehead, Wright and Yates

23. APOLOGIES FOR ABSENCE

Apologies were received from Councillor Paul Moore, substituted by Councillor Manners.

24. DECLARATION OF INTERESTS

Councillor Whitehead declared a pecuniary interest on agenda item 10 (Land at Shottendane Road).

25. MINUTES OF PREVIOUS MEETING

Under minute item 11 (Cabinet Member Presentation), one of the responses by Mr Mike Humber should read "the Council had not charged residents for a bin replacement as yet."

Subject to the above amendment, Councillor Kup proposed, Councillor Austin seconded and Members agreed the minutes to be a correct record of the extraordinary Panel meeting held on 21 November 2023.

26. MINUTES OF EXTRAORDINARY MEETING

Councillor Britcher proposed, Councillor Austin seconded and Members agreed the minutes to be a correct record of the extraordinary Panel meeting held on 6 December 2023.

27. LAND AT SHOTTENDANE ROAD

Bob Porter, Director of Place introduced the report and made the following comments:

- The purpose of the proposals was to enable the delivery of affordable homes in Thanet;
- This would contribute towards the delivery of 548 homes that Cabinet agreed to deliver each year for the next four years;
- Land for potential delivery of homes was put forward in the Local Plan;
- The Local Plan process would need to be concluded that would include any identified land for new housing developments;
- Gypsy and Traveller Communities: TDC study identified five transit and seven permanent sites to be established;
- The Council had legal obligations to provide the traveller communities with facilities;
- Government directed that these facilities be included in the Local Plan;
- No decision about the specific sites had been made;
- Four sites might be forwarded to the Planning Committee for decision;
- These applications should not have detrimental impact on the local surroundings;

- The sites should have access to health and education facilities;
- Any applications submitted outside the Local Plan process would be to be assessed using the four criteria;
- The proposals in the officer report were recommendation a public consultation on any proposals and the consultation would include traveller representatives;
- A road network was being proposed to support new housing development. Cabinet would be asked to approve the disposal of a piece of land to Kent County Council for road network construction.

Councillor Whitehead, Deputy Leader of Council and Cabinet Member for Housing only spoke on the part of this item that referred to the consultation relating to Shottendane. She made comments as follows:

- It is exceptionally important that we consider this evening what we are discussing, and what we are not discussing;
- It is recommended that the Overview and Scrutiny Panel consider the contents of this committee report and make any recommendations that it would like Cabinet to take into account when considering the matter at its meeting on 25 January 2024;
- The proposed recommendations to the Cabinet are:
 1. To conduct public consultation with the Gypsy and Traveller community and neighbouring residents about the proposal to establish a number of Gypsy and Traveller pitches on land off of Shottendane Road (area shown in annex 6 to the report).
 2. Subject to the outcome of the consultation, submit an application for outline planning permission for the provision of Gypsy and Traveller Pitches on the land marked 1aii in annex 5 to the report.
- This was a proposal to recommend to Cabinet that a consultation be undertaken with residents and Travelling community to consider the potential of a managed site on land we own at Shottendane;
- This was not a new idea, but choosing to consult on it and asking for input from local resident input and the Travelling community was new;
- The discussion was about the legal requirement to plan for sites for the Gypsy and Traveller community. This task was not optional. It was a legal requirement, as well as a moral requirement;
- The Council had a legal duty to plan for appropriate sites for members of the Gypsy and Traveller community. In spite of this lack of provision being a longstanding issue, and an important one, there were currently no sites identified in the district;
- The Portfolio Holder for Housing was determined to address this need and the need to bring communities together in understanding, respect and discussion;
- Cabinet was determined to identify and provide sites that work, in size and design, to ensure that accommodation needs were met and simultaneously supporting the local community through comprehensive consultation. The proposed engagement will be key to this and we actively welcome involvement at all stages of this process;
- What was being considered at this Panel meeting was the consideration of a suggestion of a consultation on providing a site. That was the only issue before Members. If Members and residents wanted to discuss issues surrounding site provision or concerns, that was exactly what a consultation was for; there would be no point to providing it otherwise.

Agenda Item 3

- What was not up for discussion at this meeting and will never be discussed in this Chamber, is whether or not Travellers have a right to live in Thanet because they do. They have a right to be part of the local communities, to have access to schools, services, healthcare, to be part of our lives, be considered, accepted and respected and not be demonised, caricatured, abused and stereotyped
- The discussion about the proposal for a consultation with residents and with the Travelling community was in fact specifically a discussion about the right of all residents to be heard.

Mr Fisher, Mr Thomas and Mr Rawf spoke under Public Speaking and made the following comments:

- The public only came to know about these proposals through a leaflet;
- Residents were not happy as they had not been consulted;
- The presence of such a site would cause a drop in property prices for the houses in that neighbourhood;
- The Council could consider Dane Park, where there is an acre of land that was owned by the Council which could be allocated for such a site;
- Members could also consider Hoverport site and not the piece of land in Garlinge;
- It was important for the Council to identify a site for Travellers and wherever such a site was located there were bound to be complaints;
- Currently the Council was having to use more resources to move travellers away from illegal sites.

Bob Porter and Councillor Whitehead responded as follows:

- The report before the Panel was not about a planning application, but the proposals to have a public consultation before sending out information to residents about the consultation and conducting the actuarial consultation exercise;
- Officer would consider all available sites;
- The Council would consider all alternative sites around the district and they would be reviewed against some set criteria;
- If the Local Plan identified sites, then those would be sites to be considered;
- The Council called for sites during the Local Plan process. However, no sites were put forward by land owners.

Members then asked questions and made comments as follows:

- One Member said that previous experience of other local Councils who tried to set up similar site ended up experiencing friction between residents and the traveller community;
- It was important for the Council to listen to views from both the local residents and the travellers' community;
- Another Member said that there was a need to identify a site, but not the one that had been identified in the committee report;
- They further said that this piece of land had been farmed by the family for generations and it was not cited in the Local Plan as suitable for setting up the travellers site;
- One Member advised the meeting that debate on any issues should never end up with personal attacks and apologised to Councillor Whitehead for the personal attacks she had experienced;
- They further said that this was agricultural land and there was no funding that had been identified to develop the site;
- The Member asked what the Cabinet plans were for the sites and they further said that the Garlinge site would most likely be expanded as the Council would struggle to find new sites;

Agenda Item 3

- The Member asked why the traveller community's needs had not been included in the Local Plan in the first place;
- Another Member said that it was not useful to talk about what happened to other Councils in London many years ago and it was not good leadership to whip up emotions on this subject. Members were reminded to adhere to the Nolan Principles of Public Life;
- Another Member asked what would constitute a successful scheme;
- One Member said that they were pleased that the Council was now finally addressing the issue of traveller sites in the district. The Council had been neglecting its statutory duty;
- Incursions being experienced in Thanet were caused by the absence of statutory sites for travellers;
- Another Member asked what the acreage for traveller sites should be if one was to conduct a ten year forecast;
- It was also important to preserve arable land;
- One Member said that there was a travellers' community that had been living in Central Harbour Ward in Ramsgate for the last three years and had integrated well with the local communities. They had a long history in Kent;
- Another Member asked what the process would be for communicating with the public to reassure them about the process for identifying traveller sites. They further asked if there were any other sites under consideration like the Hoverport;
- One Member advised the meeting that the Council was about to start the Local Plan review process. Any updated Local Plan would not pass without the traveller sites identified in it;
- It was therefore important to identify a number potential sites;
- Had the Council been in discussion with the travellers?
- Would the traveller community be paying tax once they get settled at the sites?
- How many families of the traveller community had been identified?
- At what point would the Council identify funding for the development of sites once a decision on those sites was made?

Bob Porter and Councillor Whitehead responded to Member comments and questions as follows:

- The Council would consider all viable sites and these would be considered against set criteria;
- Garlinge site was not in the Local Plan. However, the decision for sites was still some way off;
- The Council had written to government regarding the issue of agricultural land as only government could give direction on such matters;
- Smaller sized sites would be managed more successfully and success was measured by how well integrated the sites would be with existing communities and the natural environment;
- The sites would also need to be financially viable;
- Officers had held discussions with the traveller community;
- There was national guidance on forecasting demand for traveller sites in a given area. This information could be shared with Members of the Panel after the meeting;
- Previously during the development of the current Local Plan, a public call for sites did not yield any success as no sites were put forward by land owners;
- The council looked at its own land and realised that the options were limited;
- The consultation process had not yet been designed. This process had to be open and transparent;
- There was still a decision to be made on the size of the sites. Currently the Council was in discussion with the travellers;

- Government preferred that Council identified sites first before consideration of funding;
- Residential caravans paid tax or business rates. More detail on this would be sourced and shared with Members;
- Currently the land that had been identified was Council land. Planning applications would be submitted for the sites, once the process reached that stage.

The Panel agreed that the following officer recommendations be forwarded to Cabinet:

1. To conduct public consultation with the Gypsy and Traveller community and neighbouring residents about the proposal to establish a number of Gypsy and Traveller pitches on land off of Shottendane Road (area shown in annex 6).
2. To dispose of part of the land at Shottendane Road (areas marked as 1b and 2b on annex 5) to KCC for the proposed Major Road Network (Inner Circuit) improvements and a linked sustainable drainage scheme.

The Panel also noted that proposals for the provision of housing on the wider Shottendane Road site could only be considered, following the assessment of all land submitted to the council as part of the 'Call for Sites' and the completion of the current review of the Thanet Local Plan.

The Panel rejected the officer recommendation that "Subject to the outcome of the consultation, submit an application for outline planning permission for the provision of Gypsy and Traveller Pitches on the land marked 1aii in annex 5."

Councillor Green proposed, Councillor Fellows seconded and Members agreed that the Council hold-off consultation until the Council had looked at all its holdings to identify more suitable sites and that would then be followed by a full and transparent public consultation.

28. CABINET MEMBER PRESENTATION - BACKGROUND TO THE COUNCIL'S PARKING STRATEGY REVIEW

Councillor Keen, Cabinet Members for Neighbourhoods gave a presentation to the Panel and made the following comments:

- The request for a parking strategy review was proposed by Councillor Crittenden and Full Council agreed the proposal;
- This would be a district wide review to establish the view of service users and then get down to the detail of what needed to be done for the district;
- Council draw up a brief that was used for the tender to secure a consultant for the review;
- The intention was to make the review as broad as was possible, bearing in mind that parking had to support the economics growth for Thanet;
- Significant investments were coming into the district and the Council needed to be prepared for that;
- The review would look at the daytime and night time economic activities in the district and aligning with Net Zero Strategy, the Local Plan and government policy like the Green Agenda;
- The review would take into consideration the changes in shopping habits that were emerging with more online shopping and delivery of purchases to residents' homes;
- The four week review would start on 29 January 2024. A councillor consultation was planned for 30 January 2024 with the public consultation starting on 5 February 2024;

- Public consultation meetings would be both in-person and online;
- The Comms team would work alongside the delivery of the Strategy and Action Plan;
- The tender for the review was put out in August 2023 and awarded in December 2023. Twelve companies had submitted bids for this tender;
- It was important for the public to take part in this review through the consultation process.

Members asked questions and made comments as follows:

- One Member asked if this review was going to be backed by the Joint Transportation Board;
- Would cyclists and other road users be part of the consultation process?
- Was the four week consultation period long enough for this piece of work?
- A significant amount of what TDC would do after the review depended on KCC, the Highways Authority. With this in mind, how was the Council going to engage KCC?
- There currently was no budget associated with this review process. How were the review results going to be implemented?
- Some Members understood that KCC was going to take back responsibility for the Decrim reserves. Was that still going ahead?
- One Member said that they welcomed the approach that would see the public being consulted on the current situation regarding parking in the district. What level of autonomy did TDC have over residents parking schemes?
- Could parking schemes have their own budgets in order to fund their own activities?
- Would this review give residents an opportunity to give feedback regarding yellow lines?
- There was a need to enforce the strategy once the review had been concluded. There was therefore a need for a recommendation for robust recruitment of enforcement officers.

Penny Button, Head of Neighbourhoods and Councillor Keen responded to Member questions and comments as follows:

- KCC were the Highways Authority and they would be engaged as part of the review process;
- TDC would also engage KCC when the draft Strategy has been produced;
- This stage of the review was about understanding what residents wanted;
- The new strategy would give the Council a road map for planning for the long term future of the Decrim fund;
- KCC had not made a final decision on whether they were taking back all income from parking;
- With regards to residents' schemes; not everyone wanted them;
- It was also important to look at the issue of parking on pavement options for some areas. There were opportunities for generating income;
- The Council also ought to consider on street cycling;
- The new strategy would be used to lobby KCC on issues related to parking and traffic management;
- The Portfolio Holder agreed that effective enforcement would make the strategy a success.

Members noted the presentation.

29. HRA BUDGET 2024/25

Matt Sanham introduced the report and said that Cabinet had agreed on an ambitious housing development programme, which now needed to be funded through the annual budget allocation.

Councillor Whitehead made the following comments:

- In order to explain the rent structure and context of the HRA budget further, it was important to look at what was currently being delivered and what needed to be delivered in terms of capacity;
- TDC used two forms of rental rate within the general housing stock; social rent and affordable rent;
- The Council's version of affordable rent was very different from the central government definition, which generally defined affordable rent as being up to 80% of private rental rates. For Thanet, that would be far from affordable. TDC therefore used a dual definition; affordable housing was classed as up to 80% of private rent, but not to exceed Local Housing Allowance rate (which historically for this area never met 80% of the private rental market). Simply, Thanet's affordable housing would never go above Local Housing Allowance;
- The vast majority of the Council's housing stock was at social rent; social rent was a lower rent than affordable rent, and much lower than private market rent;
- At a social rent, a three bed house would cost approximately £452.52 per month; at TDC affordable rent, it would cost approximately £704 per month;
- On the private market, three bed homes were currently renting at between £1,100 and £1,600 per month;

- The current Local Housing Allowance rate for a three bed house was £797.81, meaning that for both forms of rental that TDC offer would be more than covered by housing benefit/universal credit, making both accessible for even the most vulnerable or disadvantaged residents. It was worth noting that the vast majority of individuals who rely on LHA to afford their housing were currently trapped within the private rental market. This was one of the principal reasons for creating and adopting the accelerated delivery programme, as the most disadvantaged residents in terms of housing affordability (and therefore cost of living) were currently within the private sector; to help them the Council had to expand its provision;
- In April the Council was also likely to see a significant increase in the LHA rate; in all likelihood this would mean that even the affordable rental would fall within the mid range of LHA;
- The Council portfolio currently consisted of 3,460 properties; only 165 of these were at an affordable rent; the rest were let at social rent. The vast majority of the residents had access to support with rental costs through housing benefit or the housing element of universal credit, and therefore any increase was covered by benefits in those cases;
- Each year, councils were permitted to raise rents, with the addition of 1% to the Consumer Price Index. This September CPI stood at 6.7%; which meant that Councils were permitted to raise rents by 7.7%. Information received from 19 other Councils regarding their rent increase this year indicated that all were planning a 7.7% increase. The Regulator for Social Housing had confirmed the 7.7% limit for 2024/25;

- Last year Council increased rents across both tenures at 7%; this was a below inflation increase. Two year inflation stands at 16.8%, and TDC was potentially increasing rent by 14.7% across two years. That meant that Thanet was currently 2.1% below inflation over two years, even with a 7.7% increase this year. The Tenant and Leaseholder representatives had been briefed on the potential for a 7.7% increase. They were very supportive as they were aware of the need to

expand and support those residents in the private sector, and also supported further expansion of the Council's in-house temporary housing;

- Although these decisions were made yearly, it was important to remember that they had a cumulative effect. Choosing not to increase rent this year would not only reduce housing funding for this year, but would reduce it in perpetuity, as the Council could not choose to raise the rent to "make up" for it the next year;
- It was also important to remember that this increase, apart from households that receive no assistance with housing benefit or the housing element of Universal Credit, did not come from resident's pockets; it would be paid by the central government, as the increase was still well below the full rate of Local Housing Allowance;
- The Portfolio Holder for Housing had put forward an option that they considered provided the best outcome for both current tenants and all residents in terms of growing housing provision. Increasing at 7.7% across both forms of tenure, but providing a support fund to ensure that any households on a lower income, whose increase was not paid through benefits were not impacted, allowed the Council to support more residents in the private sector, grow the portfolio further, and not disadvantage current tenants. The predicted net cost of this option in 2024/25 was £30k;
- The Council would administer and determine support, assessing those who had no access to benefits and on a low income as eligible for support;
- The fund could be used in a range of ways to support households facing financial hardship.
- It was essential to consider the fact that the most vulnerable residents currently were those who were homeless, struggling to afford private rent, and in insecure tenancies. In only four months the Council had been able to add 123 extra properties to its portfolio to support these residents. However, to continue supporting others in vulnerable positions, it was vital that the portfolio was maintained and grown.

Members then asked questions and made comments as follows:

28. The proposals in the HRA budget looked solid;
29. Was the Council up to date with rent reviews for non dwelling properties?
30. How were rent reviews done for the garages and shades? Some Members had received some complaints regarding the new rent levels;
31. There were also some issues with some of the garages. It was important for the Council to look after these properties;
32. Another Member said that they welcomed provision for social housing. They further said that a robust social housing programme had financial benefits. Hope many of these houses that had been bought by TDC were now occupied?

Councillor Yates said that he would look into the issue of garages that needed attention.

Bob Porter and Councillor Whitehead responded as follows:

- A thorough review of commercial properties that included garages was conducted last year and it was quite unpopular as rents were increased;
- Officers would come up with information on how many of the new homes had been now occupied;
- The Council was not looking to increase rents for non dwelling properties in 2024/25.

Members noted the report.

30. **PURCHASE OF 7 HOMES AT NORTHWOOD ROAD, BROADSTAIRS FOR AFFORDABLE RENT**

Bob Porter introduced the report and said that the project had been negotiated with the developer. Some of the properties would be acquired on completion. For this property the Council would agree a development agreement with the developer and work with them to completion. The project would move into a surplus in year 13.

Councillor Whitehead made the following comments:

- This item ties in well with the earlier discussion of the HRA budget;
- The Council had a duty to not only look after those residents who were already within the protection afforded by a Council tenancy, but also expand this care to those who were currently trapped within insecure and unaffordable private tenancies;
- The new acquisitions strategy, which as of tonight would have delivered a significant number of homes in five months more than the average annual delivery of 18 homes per year that were delivered over the last ten years. This was a perfect example of how using the HRA and thinking creatively could produce outstanding outcomes for residents;
- With this purchase the Council was not only providing a balanced mix of much needed homes, including three bed houses, but also providing them in St. Peter's Ward, which as with some of the previous acquisitions was a difficult area to access in terms of affordable tenancies;
- Using the new strategy and working consciously to support all of our residents, across housing sectors, had produced an approach that was producing genuinely affordable homes across Thanet;
- The portfolio holder thanked officers wholeheartedly for the level of work that had gone into and continued to go into this project.

Members noted the report.

31. 2024/25 FEES AND CHARGES

Matt Sanham, Head of Finance and Procurement led the discussion and said that inflation levels had decreased and the fees and charges had been reviewed taking into consideration the changes to inflation levels.

Members made comments and asked questions as follows:

- Would the Council consider suspending charges for parking bays during events?
- Event organisers were made to pay for non-paying parking bays. Why was that the case?
- Did the Council keep the profit they received from charging event organisers or was all the income forwarded to KCC?
- There was a need for the Council to review events and come up with a heritage stratum of events so that such events were not charged a high fee.

Matt Sanham and Councillor Yates responded as follows:

- All on-street parking income belonged to KCC;
- Unfortunately, there were instances when event organisers were charged for a full day;
- Cabinet was considering those issues and discussions were on-going;
- The Portfolio Holder would ensure that charges for events would not be increased.

Members noted the report.

32. DRAFT 2024/25 BUDGET

Matt Sanham introduced the report and made the following comments:

- The government settlement statement made little difference to the assumptions that had been made by the Council;
- However, the government funding had contributed significantly to the Council budget and had freed up £250k;
- Additional money had therefore been allocated for weed control which would use hot foam;
- The same weed control method would also be used for cleaning graffiti;
- £50K had been set aside for football development for communities and £116k had been set aside for managing the effects of inflation.

Councillor Yates, Cabinet Member for Corporate Resources said that the Council had accumulated reserves which were now at a 10 year high. The focus was on what residents wanted, including a clean environment.

Members asked questions and made comments as follows:

- One Member said that this was a fair and balanced budget. There was a healthy increase to the budget;
- Members thanked officers for drafting the proposals for this balanced budget;
- Members further thanked officers particularly in Chris Blundell and Matt Sanham for the stewardship in the treasury management approaches used since 2016 which had built these reserves;
- Other Members welcomed the proposed cleaning of beaches after summer.

Members noted the report.

33. TEMPORARY STAFF CONTRACT

Matt Elmer, Head of Cleansing Services introduced the report and made the following comments:

- This report was about arrangements for temporary staff i.e. agency workers across a number of Council services;
- The current contract was coming to an end in April this year and proposed options were for the future procurement of temporary staff arrangements;
- The current contract was a “call-down” contract and this was therefore not an obligation to spend the total value of the contract. Cabinet had requested a report into the use of temporary staff, which would be forthcoming and also shared with members of Overview and Scrutiny in due course;
- The value of the contract is approximately £1,3m per annum - 80% of which was within Cleansing Services which includes household waste collections, street cleansing and seasonal beach cleansing;
- Members were being asked to comment on the recommendation for Cabinet to agree a competitive procurement approach under the agreed framework.

Members then asked questions and made comments as follows:

- One Member said that this was a big counteract with one contractor. Had the Council looked at other contractors in order to secure the best possible terms?
- What was the procurement process that had identified HR-GO?
- How much agency staff was the Council using for activities that the Council knew would need to be planned for?

- The Council needed to widen its search to recruit to those difficult to recruit roles;
- Members welcomed the review that would be conducted on how the Council used agency workers to deliver services;
- The Council should develop its own bank of staff;
- Another Member asked how many agency staff ended up being permanent TDC staff.

Matt Elmer responded to Member questions as follows:

- Officers were going to investigate the issue raised by Members;
- HR-GO was the first place to go for agency staff. Their staff cover mostly sickness leave. The Council considered two other agencies but HR-GO had the best offer;
- It was difficult for the Council to attract staff for short term roles. That was why agency staff were being used;
- The hourly rate that agency staff were paid was the same rate that Council staff were also paid;
- The best approach to resolve the staffing issue was for the Council to consider a procurement framework.

Councillor Austin proposed, Councillor Wing seconded and Members agreed Option 3, (Further Competition under a Framework for a 3 year contract with a 12 month extension option with a value of approximately £1.3m per annum).

34. DECISION FOR COASTAL & BEACH PUBLIC SPACES PROTECTION ORDER (PSPO) RENEWAL TO 2027

Tony Marmo, Head of Coastal and Public Realm introduced the report and requested Members to review the proposals in the report and make suggestions for consideration by Cabinet.

Members asked questions as follows:

- Would there be warranted enforcement officers to enforce the conditions of the PSPO?
- What was the area to be covered by the PSPO in addition to the beaches?
- Was there a designated telephone number that the public could call to report incidents?

Tony Marmo and Lisa Collingwood, Beaches Services Manager responded to Member questions as follows:

- Currently there were two enforcement officers and the Council was in the process of recruiting additional staff in the next three months;
- These officers would be trained to issue penalty notices;
- The Enforcement Team would have regular enforcement meetings with Kent Police;
- The Council worked closely with Broadstairs Town Council over the last three years;
- TDC Officers also patrolled Stone Bay area in Broadstairs;
- TDC held discussions with Town Councils on the Council's enforcement activities;
- It was worth noting that resources were low to cover adequately the 19 miles of coastline;
- E-bikes had been introduced to be used by the enforcement team, which would help speed up patrols;
- There was no designated telephone number that the public could call.

Councillor Manners proposed and Councillor Green seconded and the Panel agreed to recommend Option.

35. DRAFT CORPORATE PLAN FOR 2024-28

Hannah Thorpe, Head of Strategy and Transformation introduced the report and said that a public consultation was conducted in December which ran through the Christmas period. The results were now being reported to Council with the final recommendations on the new corporate priorities.

One Member said that the Council ought to learn from the responses received through this residents' survey, to determine who the respondents were, their age groups and find ways of engaging young people and professionals in order to improve the feedback from similar consultations.

Members noted the report.

36. REVIEW OF OVERVIEW AND SCRUTINY WORK PROGRAMME FOR 2023/24

One Member requested for a cabinet member presentation on expenditure for the Ramsgate Port and Harbour.

Another Member requested for a cabinet member presentation on the Council's commercial property assets and how rental reviews were conducted.

One member also added that they would like to know more about how these commercial properties were tendered out and could this review cover a number of years in order to provide a viable context for discussion.

The Chair said that the Leader would be approached to make a presentation to the Panel on what lessons had been learnt regarding the Ramsgate Port and Harbour.

Another Member suggested that the topic regarding the port and harbour would best be covered as a members Briefing session topic.

The Chair also said that the Tourism Working Party would be ready to present their report to the Panel at the 15 February meeting.

Members noted the report.

37. FORWARD PLAN AND EXEMPT CABINET REPORT LIST

Members noted the report.

38. TREASURY MANAGEMENT STRATEGY STATEMENT, MINIMUM REVENUE PROVISION POLICY STATEMENT AND ANNUAL INVESTMENT STRATEGY FOR 2024/25

Members noted the report.

Meeting concluded: 10.02 pm

FlyTipping and duty of care FPNs briefing

Overview and Scrutiny Panel 15 February 2024

Report Author	Eden Geddes, Enforcement & Multi Agency Task Force Manager
Portfolio Holder	Cllr Keen, Cabinet Member for Neighbourhoods
Status	For Recommendation
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Significant effect on communities
Ward:	All Wards

Executive Summary:

Having a clean and well-maintained environment remains important to us. We will be clear with our residents on what we will do and what our asks of residents are – cultivating a shared responsibility approach. Delivering a clean and accessible living environment, maintaining an emphasis on prevention but where necessary we will use an enforcement approach.

The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 that came into force on the 31st July 2023 has given local authorities the option to increase the fines issued under fixed penalty notices for fly tipping and waste and duty of care.

Recommendation(s):

The council is recommending the following changes in relation to both Fixed Penalty Notices (FPN's) in relation to Fly Tipping Offences and Household Waste Duty of Care Offences be adopted;

- Increasing the penalty limit for fly tipping offences from £400 to £1000
- Increasing early payment option for fly tipping from £300 to £400
- Increasing the penalty limit for breaches of care notices in relation to waste from £400 to £600
- Increasing the early payment option for breaches of care notices from £300 to £400

The council is recommending the adoption of this increase in FPNs as it is to be considered reasonable and proportionate. The current level of fines are not acting as the deterrent intended. The early payment for fly tipping will be on par with the previous maximum penalty amount. The increase in the duty of care fine is proportionate and the early repayment is set to match the fly tipping as a strong

deterrent. This option is also pursuant with the corporate priority of keeping our district safe and clean and has the advantage of keeping us in line with what ultimately will be the direction most if not all districts will take.

In a previous CMT briefing the requirement for a communications plan was discussed. This will be developed around a zero tolerance approach to fly tipping offences in the district.

Therefore members of the Overview and Scrutiny Panel are asked to:

1. Note and scrutinise the report and consider any representations to Cabinet in advance of its meeting on 29th February 2024

Corporate Implications

Financial and Value for Money

Infrastructure in relation to the issue of FPNs is already adopted and changes will come from within existing budgets and resources. There will be some impact on the time of internal services such as finance in order to change payment setups, however this is considered normal business.

There may potentially be future legal costs for enforcement of Fixed Penalty Notices via court process however this will be covered within the existing Enforcement legal budget.

Legal

The Environmental Protection Act 1990 has recently been updated to increase the amount of money that can be levied to a fixed penalty notice to certain offences under the act.

Whilst the Increasing the scale of Penalty Notices includes consideration of legal matters in as far as they relate to risks to the council, there are no legal implications for the recommendation required by this report.

Risk Management

The council operates a robust process around the issue of penalty notices as an alternative to prosecution.

The issue of Penalty notice is a remedy offered as an alternative to prosecution There is a low risk of error in the issue of these types of penalty notices which may have a disproportionate impact upon different groups within society. Legislative guidance around the issue of penalty notices of this type allows for a mechanism for appeal and an ability to challenge the issue at a judicial level if the issue of an FPN is either believed incorrect or issued in error.

Corporate

The recommendations support The Council's Core Business Objectives in areas of Environment: Maintain strong enforcement action in the areas of planning, building control and parking. Strengthening our already tough response to fly-tipping and maintaining the zero-tolerance policy towards littering.

Equality Act 2010 & Public Sector Equality Duty

It is not felt that the adoption of the new guidance under the statutory instrument should have any negative impact in respect of protected characteristics and the public sector equality duty.

A customer Impact screening has been undertaken and there are no matters arising from this proposal at this time.

Corporate Priorities

- Environment: Maintain strong enforcement action in the areas of planning, building control and parking. Strengthening our already tough response to fly-tipping and maintaining the zero-tolerance policy towards littering.

1.0 Introduction and Background

- 1.1 The Environmental Protection Act 1990 allows local authorities to offer Fixed Penalty Notices (FPN's) for: Depositing or knowingly causing or permitting the deposit of waste on land where no environmental permit is in place, commonly known as fly-tipping. Householders who fail to comply with their duty of care when passing their waste to a third party and those who; drops, throws, deposits or leaves anything so as to cause defacement in any land open to the air
- 1.2 The government has developed a national action plan targeting elements of anti-social behaviour. Contained within the plan are a number of changes to existing ASB legislation envisaged to strengthen police and local authority responses to varying incidences of anti social behaviour. A number of these are relevant to the council's street scene enforcement activities.

2.0 The Current Situation

- 2.1 As of the 10th July 2023, the Government has introduced a statutory instrument (SI) increasing the upper limits for various fixed penalty notices (FPNs), which includes an option to change fly-tipping fines that more than doubles the maximum penalty for offenders.
- 2.2 A Fixed Penalty Notice (FPN) is a notice issued to a person who has committed an offence. FPNs may be issued on the spot or through the post. An FPN is issued as an alternative to prosecution. By paying the FPN an individual may discharge their liability for the offence and no further action will be taken.
- 2.2 Under the changes, the upper limit for fines in relation to fly-tipping has risen from £400 to £1000. The maximum fine for those who breach their duty of care as to household waste has risen from £400 to £600.
- 2.4 Currently of the 12 Kent districts, Maidstone & Canterbury have raised the FPN to the maximum rate of £1000. Throughout 2022 the councils Street Scene Enforcement

team investigated over 5000 reports 2881 of which were fly tipping complaints. This equates to almost 8 fly tipping incidents a day.

3.0 Options –

- 3.1 Consider any representations to Cabinet in advance of its meeting on 29th February 2024.

4.0 Next Steps

- 4.1 This will now be taken to the 29th February 2024 Cabinet meeting for adoption.

Contact Officer: Eden Geddes (Enforcement & Multi Agency Task Force Manager)
Reporting to: Penny Button Head of Neighbourhoods

Annex List

Background Papers

Corporate Consultation

Finance: Greg Dungan (Finance Manager)

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

Changes to the statutory Instrument governing the level of fines for fly tipping & Breach of Duty of care

Annex 1

Cabinet – TBC

Report Author	Eden Geddes Enforcement & Multi-agency Task Force Manager
Portfolio Holder	Cllr Keen
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Significant effect on communities
Ward:	All

Executive Summary:

Having a clean and well-maintained environment remains important to the council. We will be clear with our residents on what we will do and what our asks of residents are – cultivating a shared responsibility approach. Delivering a clean and accessible living environment, maintaining an emphasis on prevention but where necessary we will use an enforcement approach.

The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 that came into force on the 31st July 2023 has given local authorities the option to increase the fines issued under fixed penalty notices for fly tipping and waste and duty of care. This report requests the cabinet consider a proposed increase in the level of fines.

Recommendation(s):

That Cabinet agree to the following:

1. To increase the penalty limit for fly tipping offences from £400 to £1000
2. To increase the early payment option for fly tipping from £300 to £400
3. To increase the penalty limit for breaches of care notices in relation to waste from £400 to £600
4. To increase the early payment option for breaches of care notices from £300 to £400

Corporate Implications

Financial and Value for Money:

Infrastructure in relation to the issue of FPNs is in place and changes will come from within existing budgets and resources. There will be some impact on the time of internal services such as finance in order to change payment setups, however this is considered normal business.

There may potentially be future legal costs for enforcement of Fixed Penalty Notices via court process however this will be covered within the existing Enforcement legal budget.

Legal:

The relevant legislation is set out in the body of this report. The Environmental Offences (Fixed Penalties) (Amendment) (England) Regulations 2023 came into force on the 31st July 2023 and allow the Council to increase fixed penalty fines in the manner proposed in this report.

Risk Management:

The council operates a robust process around the issue of penalty notices as an alternative to prosecution.

The issue of Penalty notice is a remedy offered as an alternative to prosecution. There is a low risk of error in the issue of these types of penalty notices which may have a disproportionate impact upon different groups within society. Legislative guidance around the issue of penalty notices of this type allows for a mechanism for appeal and an ability to challenge the issue at a judicial level if the issue of an FPN is either believed incorrect or issued in error.

Corporate

The recommendations support The Council's Core Business Objectives in areas of Environment: Maintain strong enforcement action in the areas of planning, building control and parking. Strengthening our already tough response to fly-tipping.

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 foster good relations between people who share a protected characteristic and people who do not share it.*

It is not felt that the adoption of the new guidance under the statutory instrument should have any negative impact in respect of protected characteristics and the public sector equality duty.

An equalities Impact screening has been undertaken and there are no significant matters arising from this proposal at this time. The council is sensitive to socio-economic and inclusion impacts upon individuals. FPNs represent proportionate enforcement against illegal activity as a remedy opposed to criminal prosecution. Individual economic activity can adversely be impacted by the issue of an FPN. An FPN can be declined and decided via

alternate legal process or payment of an FPN can be facilitated via a sundry debtors system to reduce the economic impact.

[w Sept 2023 Fly Tipping Customer Impact Assessment.docx PSPO Town.docx](#)

This will be kept under review.

Corporate Priorities

This report relates to the following corporate priorities: -

- Environment: Maintain strong enforcement action in the areas of planning, building control and parking. Strengthening our already tough response to fly-tipping and maintaining a zero-tolerance approach.

1.0 Introduction and Background

- 1.1 The Environmental Protection Act 1990 allows local authorities to offer Fixed Penalty Notices (FPN's) for: Depositing or knowingly causing or permitting the deposit of waste on land where no environmental permit is in place, commonly known as fly-tipping. Householders who fail to comply with their duty of care when passing their waste to a third party and those who; drops, throws, deposits or leaves anything so as to cause defacement in any land open to the air
- 1.2 The government has developed a national action plan targeting elements of anti-social behaviour. Contained within the plan are a number of changes to existing ASB legislation envisaged to strengthen police and local authority responses to varying incidences of anti social behaviour. A number of these are relevant to the council's street scene enforcement activities.
- 1.3 An FPN may only be issued once for fly tipping offences and is issued as an alternative to prosecution. By paying the FPN an individual may discharge their liability for the offence removing a requirement for a prosecution. The FPN remedy is a preferred alternative to a criminal prosecution undertaken by the authority due to cost and the current backlog within the court system which currently delays hearings by 12- 24 months.
- 1.4 The council operates a sundry debtors system where those who have admitted the offence but struggle to pay the balance of the FPN may be able to discharge the debt over a number of months. This approach is only undertaken after careful consideration.
- 1.5 Compliance and education will always be the preferred approach and the council have previously supported the Keep Britain Tidy's crime not to care campaign and Kent Resource Partnerships Lets Scrap Fly Tipping campaign and annual duty of care "Your rubbish, your responsibility" campaigns. Despite this, year on year Thanet as well as the rest of the UK are experiencing increased fly tipping, dumped rubbish and duty of care breaches.

2.0 The current situation

- 2.1. As of the 10th July 2023, the Government has introduced a statutory instrument (SI)

Agenda Item 4

increasing the upper limits for various fixed penalty notices (FPNs) which includes an option to change fly-tipping fines that more than doubles the maximum penalty for offenders.

- 2.2 Under the changes, the upper limit for fines in relation to fly-tipping has risen from £400 to £1000.

The maximum fine for those who breach their duty of care as to household waste has risen from £400 to £600

- 2.3 Currently of the 12 Kent districts, Maidstone & Canterbury have raised the FPN to the maximum rate of £1000. At the time of writing this report the decision for other districts is yet to be taken.

- 2.4 A Fixed Penalty Notice (FPN) is a notice issued to a person who has committed an offence. FPNs may be issued on the spot or through the post. An FPN is issued as an alternative to prosecution. By paying the FPN an individual may discharge their liability for the offence and no further action will be taken.

- 2.5 Currently of the 12 Kent districts, Maidstone & Canterbury have raised the FPN to the maximum rate of £1000. Throughout 2022 the council's Street Scene Enforcement team investigated over 5000 reports 2881 of which were fly tipping complaints. This equates to almost 8 fly tipping incidents a day.

Types of comparable FPN fines issued by Street Scene Enforcement and Other areas of the council:

- Littering – Section 87/88, Environmental Protection Act 1990 – £100
- Fly Tipping – Section 33, Environmental Protection Act 1990 – £400 (early payment £300)
- Household Waste Duty Of Care – Section 34, Environmental Protection Act 1990 – £400 (early payment £300)
- Breach of Community Protection Notice – Anti Social Crime and Policing Act 2014 – £100
- Breach of Public Space Protection Order – Anti Social Crime and Policing Act 2014 – £100
- Failure to comply with a waste receptacle notice. £110 (early payment fee of £75)
- Failure to produce waste documents. – Section 34 (5) Environmental Protection act 1990 – £300 (early payment fee of £200)
- Failure to produce authority to transport waste – 5/5B Control of pollution act 1989 – £300 (early Payment fee of £200)
- Abandoned vehicles – Section 2, The Refuse Disposal (Amenity) Act 1978 – £200 (early payment fee of £120)
- Smoking in a smoke-free place – Section 7, Health Act 2006 – £50 (early payment fee of £30)
- Failure to display a 'no smoking' sign in a smoke-free place – Section 6, Health Act 2006 – £200 (early payment fee £150)

Throughout 2022 the council's Street Scene Enforcement team investigated 2881 fly tipping complaints and issued 82 penalty notices.

3.0 Potential Options

3.1 Option 1 - To approve the recommendations for Increasing the penalty limit for both fly tipping and duty of care offences. Throughout 2022 the council investigated 2881 fly tipping complaints. This equates to almost 8 fly tipping incidents a day. Increasing the upper limit to the maximum allowed is in line with government guidance and is envisaged to be a strong deterrent as well as contributing to offsetting clearance costs. Our nearest Neighbours in Canterbury agreed the level of increase in December 2023. Anecdotally other councils across Kent seem likely to increase level throughout 2024.

3.2 Option 2 - To amend the recommendations for Increasing the penalty limit for both fly tipping and duty of care offences. Guidance for councils sets the upper threshold for penalty limits but affords flexibility for setting levels. ONS data for 2021-2022 for fly tipping incidents by district indicate that Thanet is 07th in the county as to volume. There is a concern that by taking a decision to apply penalty rates at a lower threshold than other districts could be perceived by those engaging in fly tipping that Thanet presents a lower financial risk for undertaking illicit activities.

3.3 Option 3 - To reject the proposed increases and recommendations. There is no requirement placed upon the council to increase the level of FPN rates. For 2022 FPN/prosecution approach had around a 78% success rate. However, fly tipping volumes continue to increase and if we do nothing this is likely to reduce compliance whilst volumes increase.

4.0 Preferred Option

Option 1, set out above, is recommended.

This option is recommended as it is to be considered reasonable and proportionate. The current level of fines are not acting as the intended deterrent. The early payment for fly tipping will be on par with the previous maximum penalty amount. The increase in the duty of care fine is proportionate and the early repayment is set to match the fly tipping as a strong deterrent. This option is also pursuant with the corporate priority of keeping our district safe and clean and has the advantage of keeping us in line with what ultimately will be the direction most if not all districts will take.

In a previous CMT briefing the requirement for a communications plan was discussed. This will be developed around a zero tolerance approach to fly tipping offences in the district.

Contact Officer: *Eden Geddes (Enforcement & Multi Agency Task Force Manager)*

Reporting to: *Penny Button (Head of Neighbourhoods)*

Annex List

Annex 1: Customer impact assessment

[W Sept 2023 Fly Tipping Customer Impact Assessment.docx PSPO Town.docx](#)

Corporate Consultation

Finance: *Greg Dungan (Finance Manager)*

Legal: *(Insert name and job title)*

This page is intentionally left blank

Purchase of 2 x Mechanical Sweeper Vehicles

Overview and Scrutiny Panel	15 February 2024
Report Author	Matt Elmer, Head of Cleansing Services
Portfolio Holder	Cllr Steve Albon, Cabinet Member for Cleansing and Coastal Services
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	An Executive Decision that involves incurring expenditure anticipated to be £250,000 or above
Ward:	All wards

Executive Summary:

To enhance our street cleansing provision, Cabinet will be asked to approve the purchase of two 7.5 tonne mechanical sweepers that have been built into the fleet replacement plan.

These vehicles are used predominantly for cleansing of roads as they are too heavy to be used on pavements and will be particularly beneficial in the autumn and winter.

These vehicles will double the current provision, and replace the current equivalent vehicle which is being hired rather than owned by the council.

Recommendation(s):

Members of the Overview and Scrutiny Panel are asked to:

1. Note the content of this report and the recommendation that will be made to the extraordinary meeting of Cabinet on the 29th February 2024 to approve the purchase of two 7.5 tonne mechanical sweepers.
2. Consider the contents of this report and having done so, consider making any appropriate and relevant recommendations for consideration by Cabinet.

Corporate Implications

Financial and Value for Money

The vehicles have been modified to our specifications and are within the allocated budget and as a result we will be exploring purchase, via an appropriate framework. Purchase of

these vehicles will also mean that the current hired variation which is being used at a cost of £700.00 per week can be returned, generating a reduction in spend associated with vehicle hire.

Legal

This report is not for decision and as such there are no legal implications arising. In accordance with the relevant provisions of the Constitution the Overview and Scrutiny panel may make recommendations for consideration by Cabinet.

S.111 Local Government Act 1972 and S.1 Localism Act 2011 permits a Council to do anything calculated to facilitate the delivery of its powers, functions and duties and this includes entering into contracts and service arrangements necessary to deliver those function

Procurement will be subject to compliance with public procurement legislation and the Council's contract standing orders.

Risk Management

The introduction of a second sweeping vehicle would greatly improve the standard of street cleansing, this would assist in ensuring we meet our cleansing service standards.

Purchasing these vehicles will also give us control over availability and maintenance of them rather than this being outsourced.

Corporate

As well as the operational benefits, this proposal is firmly aligned with the draft corporate plan objective to keep our district safe and clean This will see us deliver against an agreed budget allocation.

Equality Act 2010 & Public Sector Equality Duty

The proposal has limited relevance to the duty in respect of the protected characteristics. It is the officer's assessment that the duty is not engaged by this proposal.

An equalities screening tool has been completed and there is no requirement for an EQiA as there are no equalities implications arising.

Corporate Priorities

This report relates to the following corporate priorities: -

- Environment
- Communities

1.0 Introduction and Background

- 1.1 The vehicles are scheduled to work seven days a week throughout Thanet, during the standard working shift (6am-2.15pm).
- 1.2 To maintain the vehicles working life and performance, key components such as the filter system must be thoroughly cleaned after each use, this has an impact on the daily productivity.
- 1.3 The proposed vehicles are both diesel powered. Electric versions have been trialled and were less operationally efficient and effective. The relatively small market for such vehicles and lack of observational data on service life raised concerns in terms of maintenance, part availability and whole life cost.

2.0 Current Situation and Proposed Works

- 2.1 The single hired vehicle is currently covering as best it can the scheduled work of two vehicles. This obviously means large parts of the working day is taken up with either cleaning or tipping of the vehicle, a problem exacerbated by the fact only one of the two expected vehicles is operating.

3.0 Options

- 3.1 Members of the Overview and Scrutiny Panel are invited to review and scrutinise this report, making any agreed recommendations to Cabinet in advance of its meeting on 29 February 2024. An options appraisal was conducted and the following options put forward:

Option 1 – Do not approve. This would mean continuing with the current service provision and the associated operational/reputational/financial risks of continuing to use the hired vehicle. **Not recommended.**

Option 2 – Approve one new vehicle. A potential compromise solution; could either replace the hired vehicle and continue to provide half the expected service, or operate two vehicles one owned and the other hired. A single vehicle will not be able to keep up with the road sweeping schedule. Continuing to hire a vehicle is not economically viable as there is a burden on revenue funds. **Not recommended.**

Option 3 – Approve the planned and budgeted purchase of two vehicles for an estimated £175k per vehicle, which exceeds the £250,000 threshold for a key decision, via an agreed framework. This decision will allow Cleansing Services to operate a full service with vehicles owned and maintained by the council. **Recommended.**

4.0 Next Steps

- 4.1 This proposal will be presented to the Cabinet at its meeting on 29 February 2024.

Contact Officer: Matt Elmer, Head of Cleansing
Reporting to: Mike Humber, Director of Environment

Annex List

None

Corporate Consultation

Finance: Matthew Sanham (Head of Finance and Procurement)

Legal: Ingrid Brown, Head of Legal and Democracy and Monitoring Officer

Ramsgate Regeneration Programme

Overview and Scrutiny Panel	15 February, 2024
Report Author	Mike Humber, Director of Environment
Portfolio Holder	Cllr Rick Everitt - Leader of the Council
Status	For Information
Classification:	Unrestricted
Key Decision	No
Ward:	Wards across Ramsgate

Executive Summary:

On 25 January 2024, Cabinet received a report which provided an update on the progress of the council's Ramsgate Regeneration Programme. A copy of the Cabinet report can be found at Annex 1. The report discusses the original bidding processes and funding awarded from the government schemes in Ramsgate (Future High Street Fund and the Levelling Up Fund); it identifies the current cost pressures facing the schemes. The report provides an update on each of the projects in the programme with a more detailed update on the Port Infrastructure project, and estimated project value.

This Overview and Scrutiny Panel report provides information in response to questions raised at a Members Briefing held on 15 January 2024 and at the meeting of Cabinet on 25 January 2024.

The Cabinet report made four recommendations for noting by Cabinet. A fifth recommendation was to refer the Cabinet report to the Overview and Scrutiny Panel and subsequently for Cabinet to consider any comments made by the panel.

Recommendation(s):

Members of the Overview and Scrutiny Panel are invited to review and scrutinise this report and the Ramsgate Regeneration Programme update report considered by Cabinet on 25 January 2024 (Annex 1), making any agreed recommendations for consideration at a future meeting of Cabinet.

Corporate Implications

Financial and Value for Money

There are no financial or value for money implications arising specifically from this report. The report to Cabinet on 25 January 2024 sets out the relevant financial and value for money implications.

Legal

This report is for information and as such there are no legal implications arising. In accordance with the provisions of the Constitution, Overview and Scrutiny Panel may make recommendations to Cabinet for consideration.

The Overview and Scrutiny Panel will note that there are significant legal issues arising out of each of the individual projects and that specialist legal advice will be sought at the relevant time.

Risk Management

There are no risk management implications arising specifically from this report. The report to Cabinet on 25 January 2024 discusses programme risk in detail and sets out some of the key risks, and mitigation measures.

Corporate

The projects that were part of the former funding programmes - Ramsgate Future High Street Fund, Margate Town Deal, and Ramsgate and Margate Levelling Up Fund projects all support the council's corporate priority for Growth, by encouraging regeneration. It will also enhance the environment through a variety of activities including traffic management, greening activities, as well as supporting our communities through new job opportunities and providing improved wellbeing.

Equality Act 2010 & Public Sector Equality Duty

There are no equalities implications arising specifically from this report.

The report to Cabinet on 25 January 2024 was for noting and not for decision. As such it was concluded that there were no equalities implications arising.

Corporate Priorities

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities

1.0 Introduction and Background

- 1.1 On 25 January 2024, Cabinet considered a report which provided an update on the progress of the council's Ramsgate Regeneration Programme. A copy of the Cabinet report can be found at Annex 1.
- 1.2 The report discusses the original bidding processes and the funding awards, along with current cost pressures. The report provides an update on each of the projects in the programme with a more detailed update on the Port Infrastructure project and estimated project value.

- 1.3 The report made four recommendations for noting by Cabinet.
- 1.4 A fifth recommendation was to refer the Cabinet report to the Overview and Scrutiny Panel and subsequently for Cabinet to consider any comments made by the panel.

2.0 Response to Recent Verbal Questions by Councillors

- 2.1 The report to Cabinet on 25 January 2024 provided an update on the Ramsgate Regeneration Programme with recommendations to Cabinet for noting. A Members Briefing was held on 15 January 2024, which also provided an update on the Ramsgate Regeneration Programme. The Members Briefing immediately preceded the publishing of the report to Cabinet on 16 January 2024. A number of questions were raised by councillors at both the Members Briefing and at the meeting of Cabinet. The remainder of section 2 provides more information in response to some of the questions raised for the information of the Overview and Scrutiny Panel.
- 2.2 The Port Infrastructure project includes both marine based works (such as the refurbishment of berths 2 and 3), and land based works needed to support ro-ro ferry operations, (such as facilities for UK Border Force). There are four principal programme stages to the marine based works. We are currently tendering for the second of those four stages which is the detailed survey work that will inform the design and refurbishment specification. An initial berth survey was carried out in 2022 and was largely undertaken on a visual basis with some representative tactile survey observations. This initial survey along with other relevant drawings and record documents forms an information pack which will help to inform bidders for the much more detailed survey, which is currently being tendered. The detailed survey will also inform a thorough contemporary works cost estimate and will be the primary data used in the design work.
- 2.3 The port infrastructure project includes works to ro-ro Berths 2 and 3 at the port. These berths were the subject of refurbishment works eight years ago with a value at the time of £1.2m. Three years later, Berth 3 was decommissioned in 2019 to reduce the cost of routine maintenance following a reduction in the port revenue base budget that year. Importantly, although decommissioned, Berth 3 is still the subject of basic inspection and essential maintenance. Berth 2 remains operational and since the last refurbishment has handled trade car arrivals generating an income of just over £1m, as well as income from other ad hoc arrivals. The purpose of the berth works is to bring them both to a standard where they can be expected to remain operational, with regular inspection and maintenance carried out by the appointed Port Operator, for the period of the contract with the Operator - which will be at least 10 years. The previous 2016 refurbishment works were some time ago and further works are now required.
- 2.4 The port and harbour requires routine maintenance dredging to maintain a sufficient depth of water for safe navigation. Dredging is understandably expensive and following the cessation of the last scheduled ferry service in 2013 a policy of dredging to accommodate the largest vessels using the port at the time was adopted. The budget for dredging was reduced in 2015 from £310k to £180k p.a., this includes the funding for hydrographic monitoring of depths in the port and harbour. The port infrastructure project includes funding for capital dredging to restore the depth at the port to that required for cross channel ferry operations. However, investment in

Agenda Item 6

maintenance dredging at the port and harbour is also required and this is acknowledged in the draft 2024/25 budget with an increase of £180k proposed for the 2024/25 financial year. As the Harbour Authority, the responsibility for dredging will remain with the council, using the Port and Harbour dues to fund the investment required for dredging.

- 2.5 A substantial part of the land based works will be the refurbishment or replacement of facilities used by UK Border Force. Legislation requires statutory harbour authorities to provide and maintain border facilities for the purposes of both customs and immigration control. The former facilities last used in 2013 do not comply with current requirements and are no longer fit for purpose, most of the old facilities will therefore be replaced. The operational resourcing of those facilities and the financing of daily operations will be the responsibility of UK Border Force. Prior to submitting the Levelling Up Fund bid the council had an indication of the facilities required from Border Force, although this has changed and is being updated working with their design team.
- 2.6 The port infrastructure project is currently estimated by officers to be £10m +/- 25%. The original allocation of grant to this project was £3.514m. The Cabinet report provides further commentary on the reason for the difference between these two figures. The +/- 25% margin reflects the confidence level following the high level survey work undertaken to date on the berths and mooring spine. A much higher confidence level on the estimated works cost will be achieved following the detailed survey work. A cost plan is expected to be available by June 2024.
- 2.7 Section 4 of the Cabinet report discusses cost pressures across the programme and options for how to deal with estimated project values. Borrowing is not currently being considered to fund the estimated funding gap of £2.15m. Borrowing is not currently an attractive funding mechanism due to the relatively high interest rate. Furthermore the Council's Medium Term Financial Strategy (MTFS) predicts that the revenue budget will be in deficit in future years. The Council cannot therefore assume an increase in borrowing costs and/or income risks in future years. More detail on options that may be considered can be found in section 4 of the Cabinet report.
- 2.8 Infrastructure at the port requires routine inspection and maintenance which is funded via revenue budgets. It is of course important that this maintenance work is sufficient to maintain operational assets in a safe condition and working order for commercial use. The value of the maintenance budgets is based upon the frequency and complexity of the maintenance required for the assets concerned. When the two ro-ro berths and the associated mooring spine are in regular (daily) use, the cost of maintenance will increase beyond the existing budget value. This is because routine day to day inspection and maintenance frequency will increase as a result of the additional use and there will be a need for on-call resources to be available 24/7 to resolve operational issues on the berths to avoid impacting upon the scheduled arrival and departure of vessels. The concession contract will require the cost and delivery of this higher frequency routine maintenance to be the responsibility of the concession port operator.
- 2.9 The original Levelling Up Fund bid included a restaurant with rooms facility in the Smack Boys building. The proposal was built upon a previous proposal for the

building, which didn't have any grant funding. In the development of the bid the council had interest from the private sector in the proposal with a level of confidence that a scheme with private investment and delivery could be brought forward. Due to the listed status of the building the impact of increase in costs of materials and the inflationary pressure moved the viability for delivery of the project out of scope for the small, independent food and beverage and accommodation providers. The size of the building was not of interest to larger branded businesses. The decision was unfortunately taken to remove the proposal from the Levelling Up Fund delivery. However, officers across Regeneration, Maritime and Property are looking at options for the building, completing survey works in order to refurbish the building.

- 2.10 In the Autumn last year officers met with representatives from the Thanet Fishermen's Association (TFA) who were concerned about the ongoing costs of running the fishing facility, and their ability to deliver the required job outputs from the funding. Following a poor year of fishing, the representatives identified concerns about the ability for the fishermen to commit to being able to pay for the ongoing costs of running the building, including utilities, business rates, insurance and maintenance and repairing costs. The council's budgetary position is that there is no revenue funding for the ongoing costs in relation to any of the capital projects, unless there is a business case to support it, such as an income. As highlighted in paragraph 2.7, the MTFS predicts a revenue budget deficit in future years, which further supports the position that in the absence of additional income, there can be no revenue expenditure budget growth to support this project. The council is not presuming to take a commercial lease for the fishing facility, therefore there is no income and the management costs would need to be covered by the TFA/fishermen. The original bid had assumed the facility would be run by a third party, with the LUF investment setting the facility up. Teams across Maritime and Regeneration have been engaging with the TFA about what could be delivered to support the fleet, and keeping their home in Ramsgate Royal Harbour. The TFA has been consolidating their equipment and kit stored in the Harbour and at the Port in order to understand the amount of storage they require. The council is committed to supporting the TFA in order to remain at Ramsgate Harbour, by identifying small interventions that will support them, without the need for them to commit to running a building and creating jobs.

3.0 Next Steps

- 3.1 Members of the Overview and Scrutiny Panel are invited to review and scrutinise this report and the Ramsgate Regeneration Programme update report received by Cabinet on 25 January 2024 (Annex 1), making any agreed recommendations for consideration at a future meeting of Cabinet.

Contact Officer: Mike Humber, Director of Environment
Reporting to: Colin Carmichael, Chief Executive

Annex List

Annex 1: Ramsgate Regeneration Programme Update, Cabinet Report - 25 January 2024

Background Papers

none

Corporate Consultation

Finance: Matthew Sanham (Head of Finance, Procurement and Risk)

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

Ramsgate Regeneration Programme

Cabinet	25 January 2024
Report Author	Bob Porter (Director of Place)
Portfolio Holder	Cllr Rick Everitt, Leader of the Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Name of Ward(s) affected (if applicable)
Previously Considered by:	Cabinet - 21 September, 2023 - Simplification Pathfinder Pilot Cabinet - 2 March, 2023 - Future Delivery - Port of Ramsgate

Executive Summary:

This report provides Cabinet with an update on the progress of the council's Ramsgate Regeneration programme. The first funding application was submitted to central government in 2019 with the first projects securing funding in 2021. Following Thanet's inclusion in the government's Simplification Pathfinder Pilot, an updated programme was approved by Cabinet on 21 September 2023.

The Simplification Pathfinder Pilot Investment Plan, setting out the updated programme, has now been approved by the government. It includes all of the 19 projects identified in the draft Investment Plan considered by Cabinet on 21 September 2023, and allocates a total of £50.8m of government grant funding across the Ramsgate and Margate programmes.

This report provides a project by project update, highlighting where there has been positive progress and where issues have emerged that need to be resolved. The nature of the council's regeneration programme is highly complex and diverse. For that reason, this report only deals with the Ramsgate projects, and a separate report is being prepared in relation to the Margate programme, to be considered by Cabinet in February 2024. The Ramsgate programme includes 10 separate projects, with a total of £22.5m of government grant funding.

More detail on the background to the programme was provided to Cabinet on 21 September 2023, and it is important to consider this report within the context of the approved Simplification Pathfinder Project Investment Plan. The original proposals within the Levelling Up Fund bid were based on information that was available at the time about likely project costs and possible project timelines. At the time of the bid, the council did not have all of the necessary project management officers to deliver the programme. It has been essential to keep the programme under review as the council has secured the resources needed for delivery, progressed through design stages for each project to provide greater clarity about what is to be delivered and taken account of factors, such as inflation that have impacted on project costs during the intervening period.

Agenda Item 6

Annex 1

Each project has a range of complexities involving property, construction, service delivery and stakeholder issues, requiring key decisions to be taken by the Cabinet, at a number of milestone stages, through each of the projects' timelines. This report sets out, for each project, where decisions will be required over the coming months and provides an indicative timeline for these decisions. All major programmes and projects, particularly those involving construction, need key decisions to be made at critical decision gateways as details about deliverables, design, costs and timelines become clearer. For a number of reasons, set out in the report, this is particularly the case for the projects in this programme.

Where there are individual projects with particular budget pressures, these are highlighted in this report. Overall, the currently estimated cost of the programme exceeds the amount of grant available and decisions will need to be made about how the programme can be amended to stay within the available budget. This is considered in more detail in section 4.

Although this report doesn't recommend any significant budget virements at this stage, it does indicate that budget virements will be required within the Ramsgate programme to ensure that the projects considered to have the highest priority are delivered in full and the linked outcomes are delivered. To this effect, the report recommends that officers commence a dialogue with the government (DLUHC) about the need to propose variations to the approved Simplification Pathway Pilot Investment Plan.

Recommendation(s):

It is recommended that Cabinet:

1. Notes the progress achieved in the delivery of the approved Ramsgate regeneration programmes.
2. Notes that further reports will be received, authorising specific procurement activities as each respective project reaches that stage, and setting out the project deliverables, timelines and costs.
3. Notes the proposed monitoring and reporting arrangements, set out in section 6.
4. Note the current funding gap in the programme.
5. Refer this report to the Overview and Scrutiny Panel and subsequently consider any comments made by the panel.

Corporate Implications

Financial and Value for Money

The projects identified in this paper have already received budget approval and have been incorporated into the council's capital programme. The projects are required to be fully funded from external grant funding allocations and there is currently no scope for Council investment in these projects.

In accordance with the council's key decision framework, further Cabinet approval will be sought before the tendering of any individual contract associated with these projects with a value of £250,000 or above.

For all the Government funded programmes, we have already received part of this funding, to commence delivery. In addition, all future DLUHC funding will be drawn down in advance of any works being undertaken. The Section 151 Officer is required to scrutinise and approve

Agenda Item 6

Annex 1

regular monitoring returns to DLUHC. These returns will cover actual and forecast spend, alongside programme delivery and output metrics.

The council is required to provide regular monitoring and evaluation returns to central government. An outcome of being part of the Simplification Pathfinder Pilot is that the council will have a streamlined approach to the monitoring and evaluation requirements. The three programmes - Future High Street Fund, Town Deal and Levelling Up have been amalgamated into one programme of reporting. Officers have received draft return documents and are waiting for the final versions from central government.

Legal

This report is for noting and as such there are no legal implications arising. There are however significant legal issues arising out of each of the individual projects and it is noted that specialist legal advice will be sought at the relevant time. This will include advice in respect of State Aid/Subsidy Control, Procurement, Property and Contract.

Expert Legal Advice has been sought to support the programme of work in identifying an operator at the Port of Ramsgate. The advice is both specific to the procurement process as well as issues in respect of the technicalities related to developing an operational/commercial port.

Risk Management

Through the development and delivery of previous regeneration projects, the council has established the apparatus and experience for reviewing and managing the various key risks of delivering large capital programmes, including those which rely on ongoing management, improving heritage buildings, and enhancing protected coastal environments.

The council is responsible for ensuring that there are effective and adequate risk management and internal control systems in place to manage the major risks to which the external funding programmes are exposed.

As part of the development of the projects robust risk registers were developed. The registers are live documents. The Risks identified in the Risk Register as "High" are reviewed regularly, and those that provide a risk to the Council will be on the Councils corporate risk register.

Through the monitoring and evaluation process for the three programmes the most significant risks have been reported back to the Department of Levelling Up, Housing and Communities on a quarterly and six monthly basis in the monitoring and evaluation reports. It is expected that this requirement will continue, however we are waiting for the final monitoring and evaluation report templates.

Key risks, and mitigation measures

Significant Inflation pressure c20-30% increases

Agenda Item 6

Annex 1

- Continue to lobby central government on the impact of the increase in costs of materials and labour and the subsequent inflationary increases.
- Possible value engineering required.
- Possible cancellation of projects if unaffordable
- Constant reviews of other investment opportunities/funding sources.

Availability of materials and labour

- A risk/contingency allowance is included within the cost plan.
- Suitable contract terms between the client and the main contractor will be included at the point of agreeing the Main Works Contract.
- Cost/delay likelihood expected to be known far in advance of commencing on site.
- Constant reviews of the market and supply chain will be undertaken to establish lead in times and general market concerns and issues.
- Possible value engineering required.

Commitment of private sector partners

- Continued engagement with potential private sector partners.
- Development of design proposals that are attractive to the market and can be scaled to meet changing requirements of the sector.
- Possible value engineering required.
- Management of appropriate processes - procurement, operational and property based processes in order to ensure the council is working with the right private sector partners, with relevant and robust due diligence processes are in place.

Unsecured financial contributions to the projects

- Early discussions with Private sector partners.
- Early discussions with 'other' funders to understand their requirements and ensure project delivery fit.
- Work ongoing to develop successful bids for financial contributions.

Current market conditions

- Market testing will be carried throughout each design stage to ascertain cost trends.
- Early contractor engagement to ensure the supply chain is being actively managed.

Failure or underperformance of contractors

- Use of established procurement routes, robust contracts and engagement with potential contracts early on,

Capacity of the council to support delivery of significant spend from projects within programme timescales

- Review use of extra external resources to add capacity to existing teams within the council.
- Utilise funding for fees within the projects to add capacity.
- Hold workshops to review priorities across the council in terms of delivery.

Corporate

The projects that were part of the former funding programmes - Ramsgate Future High Street Fund, Margate Town Deal, and Ramsgate and Margate Levelling Up Fund projects all support the council's corporate priority for Growth, by encouraging regeneration. It will also enhance the environment through a variety of activities including traffic management, greening activities, as well as supporting our communities through new job opportunities and providing improved wellbeing.

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.*

This report is to note and not for decision. As such there are no equalities implications arising.

Corporate Priorities

This report relates to the following corporate priorities: -

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

1.0 Introduction and Background

1.1 Since 2019 the council has been applying for and securing significant government capital grant funding, with a total of £22.5m for regeneration projects in Ramsgate, as follows:

- Future High Street Funds - £2.7m - to provide a creative workspace and improved highways in Ramsgate.
- Ramsgate Levelling Up Fund - £19.8m - focusing on projects to enhance the Port, Harbour and providing places for local people to engage and develop skills to access the new job opportunities being created in these areas.

Agenda Item 6

Annex 1

- 1.2 This funding represents a significant step up in the scale of the council's regeneration capital programme. At the time of the bid submissions and funding awards the council was not adequately resourced to deliver a programme at this scale. Therefore it has been essential for the council to employ additional project management officers and appoint construction design teams to deliver the programme. The council's Regeneration and Growth Service is also simultaneously delivering a £28.5m programme of investment in Margate.
- 1.3 Since the award of these funding schemes, considerable work has been completed to develop the original programme concepts into deliverable projects with updated costs and delivery timelines. In addition, the national programme - reflected here in Thanet - has been under considerable cost and delivery pressure as a result of a number of factors, including:
- The Levelling Up Fund bidding process has come in three rounds. Although national government originally indicated that there would be more than one round, many councils - including Thanet - decided to bid in Round 1 in order to secure funding, in case later Rounds were not, in fact, pursued.
 - That strategic decision, coupled with very limited bidding timescales, meant that many projects submitted for funding across the national bidding programme were only at concept stage, with only high level projections of costs and timelines. That has inevitably meant that, across the country, as well as in Thanet, the successful projects have had to adapt as plans and costs were developed.
 - A period of unexpectedly high inflation, linked to unforeseeable global events, has reduced the real value of the funding by around 25%. Government has replied to a request from the Leader to the effect that there will be no compensatory additional funding.
 - The need for many organisations to recruit the project management resources needed to deliver a national programme at scale. These resources were originally scarce, and are now significantly more so, as councils across the country seek to take on resources to deliver their projects.
- 1.4 In 2023 the government's Simplification Pathway Pilot recognised these issues and provided for streamlined project reporting, greater flexibility in the use of grant resources and extended delivery timelines for councils included within its pilot programme, which included Thanet.
- 1.5 On 21 September 2023 Cabinet approved a single investment plan, as part of this government's Simplification Pathway Pilot. The investment plan was subsequently approved by the government in December 2023. The report considered by Cabinet on 21 September 2023 set out the background to the Simplification Pathway Pilot and the additional flexibilities that the pilot provided to the council in the delivery of the programme. It acts as the baseline for the projects we are pursuing, and any decisions required, or variations made, refer to this plan as the starting point for such decisions.
- 1.6 The report considered by Cabinet in September also set out proposals for a new Regeneration Partnership Board for Thanet, to replace the previous arrangements, which required different oversight arrangements for each tranche of funding. Now that the Simplification Pathfinder Pilot Investment Plan has been signed off by the Government we are in a position to establish the new Regeneration Partnership

Agenda Item 6

Annex 1

Board and arrange its first meeting. The makeup of the board was set out in the report, and officers have been working on the recruitment of suitable representatives to the Board in the intervening period.

- 1.7 The September report identified the range of projects within the Ramsgate programme, as set out below:
- Future High Street Fund (FHSF)
 - Creative Workspace
 - Highway Improvements
 - Modern Port Infrastructure (LUF)
 - Green Campus
 - Port Infrastructure
 - Inclusive Harbour Attractions (LUF)
 - Visitor Accommodation opportunities (amended from the Smack Boys restaurant with rooms project)
 - Fishing Facilities
 - Clock House
 - Pier Yard
 - Assets to Connect to Opportunity (LUF)
 - Newington
 - Town Centre
- 1.8 These projects are at various stages of development and all involve a complex range of property, construction, service delivery and stakeholder issues. Although the projects have all been subject to a government approval process these are, however, subject to change as greater detail about the projects is developed as they progress through concept, feasibility, design and delivery stages, using the published Royal Institute of British Architects (RIBA) stages as a guide. A summary of the RIBA stages is attached at Annex 1.
- 1.9 As projects progress through RIBA stages more accurate cost estimates are possible. The current estimates of cost, across the programme, are considered in section 4 of this report and a summary is provided at Annex 2. Inflation has been a significant factor in the programme since funding was first allocated in 2021, and as a result all projects have seen significant cost increases over this period. As it stands, the estimated cost of the entire programme exceeds the available grant funding. This report therefore notes that budget virements and/or programme changes are likely to be required to keep the cost of the programme within the level of available funding.
- 1.10 It is also the case that Officers are developing the projects with the clear objective of not committing the council's own funding to any of the projects, unless there is a business case that justifies that investment based on projected income arising from the project.
- 1.11 It will be evident, from all these parameters, that it may not be possible to deliver all projects to the original proposal; and that - as a last resort - one or more projects may need to be ceased in order to enable funding to be transferred to other projects. When agreeing the Investment Plan last September, the Leader also made it clear that the Cabinet would not be prepared to approve the transfer of funds from projects in Margate to Ramsgate, or vice versa.

- 1.12 Sections 2, 3 of this report review each project in turn and provide members with clarity about what is being delivered, and a high level project highlights. Many of the projects still have key decisions to be made before the council can commit to delivery and to incurring expenditure, and where this is the case, the report provides information about what decisions will be required and when these are likely to be needed. Any decisions that are considered to be key decisions, under the council's constitution will be taken by Cabinet, following discussion at the Overview and Scrutiny Panel. Reports recommending that projects proceed to the next stage, including procurements and the start of construction work, will set out the key project deliverables, timelines and milestones and costs.

2.0 Project Updates

This section of the report provides a brief description of each project within the Ramsgate programme and an update on the current progress of each project.

2.1 Creative Workspace:

The aim of the Future High Street Fund was to renew and reshape town centres and high streets with the incorporation of other uses to drive increases in footfall. The development of the creative workspace scheme that was bid for successfully by us was evidenced on the basis of its delivery against the Future High Street Fund objectives, a perceived demand for workspace, and through soft market testing with operators and businesses.

The scheme will create a multi-occupancy building comprising meeting rooms, offices and creative studios with the potential to include a cafe, small gallery and arts-led retail space. Workspaces will be provided across three levels of a town centre building in Ramsgate, designed specifically for use by individuals and businesses in the creative industries sector, for whom there is currently a lack of suitable, affordable accommodation within Ramsgate. The site will also provide a central focal point for creative and cultural enterprise, education, training and community engagement, helping to build confidence and resilience among Ramsgate's residential and business population and improving public perceptions and experiences of the local area.

At a meeting on 2 March 2023, Cabinet authorised that the Levelling Up Fund 'Access to Opportunities' project in the Town Centre be combined with the Future High Street Fund project for 'Creative Workspace' with both projects being delivered at 5A Broad Street, Ramsgate. The Cabinet also approved the purchase 5A Broad Street to complete this project, as part of the same report. The aim of the 'Access to Opportunities' element of this investment is to provide a space in the town centre for people to access information and support as part of wider career development. This will include community teaching space, opportunities for organisations that support people into work and engage with businesses to support job growth and a space for support and information exchange, as well as space for existing local charities to operate from. There are clear benefits of delivering both schemes - the workspace and space for people in the town centre to engage with organisations to provide them support. They are complementary uses and by combining them in one building reducing ongoing management costs, rather than having two spaces.

Agenda Item 6

Annex 1

5A Broad Street, Ramsgate was acquired by the Council on 11 December 2023. Planning Permission was granted on 15 November for the necessary refurbishment works to the building, including the installation of a lift to ensure all spaces are accessible. The appointed design team is currently developing RIBA Stage 3/4 design before procurement is undertaken for the works. The decision to proceed with procurement will be a key decision to be made by Cabinet. Start on site is anticipated for summer 2024. In the meantime, the space is being used to support High Street Heritage Action Zone projects and engagement activities as part of the wider programme.

2.2 Highway Improvements:

The aim of this project is to make it easier for pedestrians to walk to the town centre from the Harbour, by reducing the dominance and barrier of the road layout. Harbour Parade dominates the space between the visitor attraction that is the Royal Harbour and the Town Centre. Through a series of interventions in the highway the ambition is to provide pedestrians with greater accessibility into the town centre and, therefore, to improve footfall.

This scheme was developed in line with the earlier delivery date for the Future High Street Fund of March 2024. Design and consultation for the proposals was completed in 2022, but encountered delays in securing permissions from KCC Highways. Following the inclusion of the Ramsgate schemes into the Pathfinder Pilot Scheme, these Highways works will be delivered as part of the wider Ramsgate programme. It is anticipated that this approach will minimise the risk of overlapping projects clashing in the Harbour area, and also offers the opportunity to review the design in light of current circumstances.

A Place Plan has been commissioned to support the whole programme which is being delivered in Ramsgate. This masterplan should provide a holistic urban design strategy exploring the connections and potential movement between parts of the Town, and identify opportunities for improvements to current designs.

2.3 Green Campus:

As part of the 'Green Port' overarching project a new Green Campus will create spaces for training, enterprise and light industry along Military Road, Ramsgate. This forms part of the objective to ensure that there is diversified activity at the Port of Ramsgate, providing additional employment opportunities. It is anticipated that the Green Campus will be a self-sufficient destination for enterprise and skills development. At the same time, the building's design should allow for future expansion. The Campus will be operated by a specialist operator in this field.

Jan Kattein Architects have developed this scheme to RIBA Stage 2 design. The Stage 2 Cost Plan is expected to be complete by the end of January.

As part of the Levelling Up project, the council has established a Design Review Panel. Design Review Panels are comprised of independent design and placemaking experts, who can provide advice to applicants and developers relating to building and public realm projects as part of the Planning Process. Design Review Panels provide an additional opportunity to improve design quality and feedback during design, to

Agenda Item 6

Annex 1

developers, and support a robust Planning process. The first Thanet Design Review Panel was held in November where the stage two designs for the Green Campus were reviewed.

A Prior Information Notice (PIN) was issued for the Green Campus Operator procurement on 13 December 2023. The PIN aims to gauge interest and views from potential operators to help inform the operating model for the scheme and potential future procurement exercises. A successful PIN exercise would lead to the procurement of an operator for this site during summer 2024.

2.4 Port Infrastructure:

The Port Infrastructure project, described in greater detail below, is designed to invest in the infrastructure at the Port of Ramsgate, to enable the reintroduction of scheduled Ro-Ro ferry services operating from berths 2 and 3, with an initial focus on unaccompanied freight. The project includes both marine based works, including the refurbishment of berths 2 and 3, and the mooring spine that links the berths, together with land based works needed to support Ro-Ro ferry operations, such as Border Force facilities.

It is clearly essential that this project is coordinated with the already approved work to secure a new operator for Ro-Ro operations at the port. This is considered in more detail in section 3 below.

The council has appointed Pascall + Watson Architects, to develop a RIBA Stage 2 design for the land-based elements (which are works other than the refurbishment of the Berths and Mooring spine) of the Port Infrastructure. There has been close liaison with UK Border Force to develop the specifications for their requirements. The council, as Port Operator, is required to deliver and fund these facilities. Securing UK Border Force design comments is important in order to complete RIBA Stage 2, which is anticipated in January 2024, with the Cost Plan available for these elements at the end of January 2024.

The works relating to refurbishing the infrastructure for Berths 2 and 3 will be separately designed and costed by a series of survey and design commissions. A procurement exercise to appoint a consultant to carry out these surveys and prepare a schedule of required works is currently underway, with surveys expected to commence in March. As part of this package of works, the consultant will provide high-level budget costs based on the survey outcomes, which will support the council's decision-making processes as to how to commission the works. It is anticipated that these figures will be available in June 2024, so that Cabinet is able to consider the full scope and cost of this project. This will also provide an opportunity to consider how this project coordinates with the work to find a new operator for the Ro-Ro operations, prior to the commissioning of the construction and refurbishment works. We are aiming to be in a position where we know whether we have been successful in attracting a successful bid for a Port Operator before committing to the infrastructure expenditure.

Final pre-tender costs are not yet known for this project, but it is anticipated that they will exceed the LUF budget currently allocated to the port infrastructure. The work currently underway to commission detailed condition studies will provide greater

Agenda Item 6

Annex 1

clarity about the likely cost and be used to inform a decision about proceeding with the berth and mooring spine refurbishments and the land based construction works. This decision will be a key decision for the Cabinet to consider and is expected to be needed in the summer 2024.

2.5 Visitor Accommodation opportunities:

In the initial bid, a proposal was put forward for the Smack Boys building, located at the harbour frontage, to be turned into a Restaurant with Rooms, including event space. The scheme was not included within the Simplification Pathway Pilot approved by Cabinet on 21 September 2023. It was omitted from the programme at this stage due to the increased cost over that awarded, which was linked both to inflationary cost pressures and the difficulties of value engineering a construction project on a listed building, following engagement with the private sector.

The listed Smack Boys building remains at risk and work has been completed to assess the costs of safeguarding the building, and consider other opportunities it may present in the context of the wider Pathfinder programme.

There is an identified need for visitor accommodation across the district. A number of parties have shown interest in developing accommodation in Ramsgate, albeit on a larger scale than could have been provided at the Smackboys building. Several sites around Ramsgate Harbour have been identified as opportunity areas for visitor accommodation and high level feasibility work has indicated that the locations are viable for potential hotel investment. Industry experts have been engaged to develop an initial feasibility assessment.

The Simplification Pathway Pilot report to Cabinet on 21 September 2023 allocated a provisional sum of £750k to this project. Any decision to use this funding to deliver a visitor accommodation project will be subject to a Cabinet decision, and will need to be taken in the context of the affordability of the Ramsgate programme as a whole, particularly if additional funding is required to support the port infrastructure project. The feasibility is expected in March 2024 and then a discussion will be held with relevant departments to consider next steps, ahead of any formal decision making required.

2.6 Fishing Facilities:

The ambition for the Fishing Facilities through the LUF bid was to create a site for the local fishing fleet where they could unload, freeze, store and process their catch. With the ability to process fish and seafood on site the fishing fleet would be able to increase their income from each catch. The aim was to revitalise the fishing industry in Ramsgate and provide an avenue to create new jobs and business opportunities.

The Fishing Facilities scheme was developed jointly with the Thanet Fishermen's Association (TFA) with several sites assessed for their location and suitability. A bid for further funding from the UK Seafood Infrastructure Fund was submitted in January 2023, to support an improvement to the wider infrastructure in the Harbour, but was not successful.

Agenda Item 6

Annex 1

During Autumn 2023, following a period of engagement with the council, design team and the TFA on size and design of the facility, the TFA confirmed that their members were unable to financially commit to the maintenance and operation of a new facility, given the current state of decline in the fishing industry in Ramsgate. Factors including governing legislation relating to this industry and environmental and fishing impacts on local fish stocks, have impacted on the viability of the Ramsgate fleet and its ability to invest in new local infrastructure. Unfortunately, as a result, this project is unlikely to progress in its current form.

The fishing fleet remains an important part of Ramsgate as a working Harbour and council officers are continuing to work with the TFA to identify possible options for smaller scale improvements in the facilities at the harbour to support the fleet. Discussions will continue to take place with the TFA during quarter one of 2024-25.

2.7 Clock House:

As part of the Levelling Up Fund bid, The Clock House and Pier Yard schemes were identified as areas for potential development by:

- Working with key stakeholders, looking at refurbishing the Grade II listed Clock House, to create a cultural heritage exhibition space and public café.
- Transforming the Pier Yard Car Park into a new town square, taking into account access requirements.
- Aiming to create a vibrant new public space, for people to congregate in and where they can appreciate the beauty of the area.

Working with the Ramsgate Society, the proposal for the Clock House was based on plans they had been developing over a number of years. With the success of the Levelling Up Fund, and ambitions for funding applications to the National Lottery Heritage Fund and Historic England, heritage architects were commissioned to turn the plans into a deliverable scheme.

An architect team was commissioned to develop plans for the site, working with key stakeholders. The RIBA Stage 2 designs were completed by Curl La Tourelle + Head Architects in December 2023. A bid was submitted to the National Lottery Heritage Fund, based on these plans, supported by an updated business plan and proposals for consultation and engagement with Ramsgate's communities. At RIBA stage 2 the scheme was within budget, with support from the National Lottery Heritage Fund.

The council was informed last December that the bid for National Lottery Heritage Funding for the Clock House scheme was unsuccessful. Work is now underway to review the scope of this project in line with what is available through the secured Levelling Up Funding. We are working with the Ramsgate Heritage Regeneration Trust to develop a proposal for the building, which would safeguard its heritage and future, and would identify a way for the Trust to run a maritime heritage hub for Ramsgate. Refurbishment works for the building fit within the current budget and the business plan is being reviewed to ensure sustainability of the building for the future. A revised Stage 2 proposal will be designed during Spring 2024 on the basis of these discussions.

In November 2023 the Clock House was returned to the council having been leased to a third party since 2012. With the building back under council management we

Agenda Item 6

Annex 1

have been able to start urgent works to the building, including the electrics which means we are able to ensure there is heating and lighting in the building. The next steps will be to review other urgent works required, alongside the design stages.

2.8 Pier Yard:

The ambition for the Levelling Up Fund bid was to transform the Pier Yard Car Park into a new town square, taking into account access requirements for the working harbour. The aim is to create a vibrant new public space, for people to congregate in and where they can appreciate the beauty of the area.

RIBA Stage 2 completed by Curl La Tourelle + Head Architects in December 2023. Following a review exercise, the proposed scheme for Pier Yard is within the allocated budget figure.

As identified in 2.2 the two public realm/highways schemes will be brought together to gain greater economies of scale in terms of delivery.

2.9 Newington:

The Newington Community Centre project aims to extend the existing building, to include a large teaching kitchen to expand on a popular food and cookery programme offered by the centre. The project presents an opportunity to broaden the service provision of the centre, to better link the building to its surroundings and embrace the garden/green space. It will also realise opportunities for revenue generation by allowing multiple activities to take place across the facilities at the same time.

Following a competitive tendering process, Jan Kattein Architects have been appointed as the lead designers of a multi-disciplinary team from RIBA Stages 2-6. Representatives of Starlings Support / the Newington Community Association have been invited to monthly Project Team Meetings. Monthly Steering Groups to include local residents have also been arranged on a monthly basis.

Starlings Support have been funded to carry out associated Community Engagement Activities required for the design process.

2.10 Town Centre:

See paragraph 2.1 above. Cabinet agreed, at its meeting on 2 March 2023 to combine the funding for this project, with the Future High Streets Funding to deliver creative work space. Both projects, together with the relevant outcomes, are now being delivered together as part of the combined project at 5A Broad Street, Ramsgate. The budgets for these two projects, detailed separately in the approved Simplification Pathway Pilot Investment Plan, have been amalgamated for the acquisition and refurbishment of the building.

3.0 Ramsgate Port Operations

- 3.1 The Port Infrastructure project, listed in 2.4 above, is to invest in the infrastructure of Ramsgate Port, to enable the reintroduction of scheduled Ro-Ro ferry services operating from berths 2 and 3, with a focus on unaccompanied freight.

Agenda Item 6

Annex 1

3.2 Connected to this project, but with separate decision-making, the Cabinet considered a detailed report at its meeting on 2 March 2023, setting out a detailed strategy for the future management of the port. This report emphasised the need for the council to coordinate the delivery of the infrastructure project with a separate process designed to secure new operating arrangements for the port. The cabinet agreed to the following recommendations:

1. To approve the future model for delivery of the Commercial Port as set out in Option 5, in Section 10 (of the cabinet report);
2. To give delegated authority to the Chief Executive Officer to develop the procurement framework and process to be followed, to secure a port operator in accordance with Section 11 of this report;
3. To give delegated authority to the CEO to conduct an open and competitive tendering process in order to make a recommendation to Cabinet to secure a Port Operator, based on the proposed scoring criteria; following which the CEO is authorised to negotiate and award a concession contract and enter into an accompanying lease, in accordance with Section 11 of this report;
4. To give delegated authority to the CEO to conduct negotiations with the aggregate operator, which will be subject to a best value exercise to ensure the agreed proposals add value to the Port of Ramsgate, the Council, and its communities. Negotiations will also cover any requirements in terms of formal approvals required being achievable for the expansion. The agreed proposals will be recommended by the CEO to Cabinet for approval. Following this, the CEO is authorised to enter into a subsequent contractual agreement with an accompanying new (or revised existing) lease with the aggregate operator.

3.3 The relevant section from the 2 March 2023 report, setting out the key points of the approved option (Option 5), is copied below:

'Option 5 - Multi-purpose Port Hybrid option is the recommended option for the Management of the Port of Ramsgate. The council would retain the management of part of the Port, thus splitting the commercial activity by the type of operation. The council would retain control of non-ro-ro traffic, with ro-ro cargo and traffic managed by a third party. This would give the council control over how the port is managed and run, by each of the commercial entities running out of the port, but it would have less risk and responsibility. The council already has a long standing relationship with those businesses running their operations out of the Port of Ramsgate, and it would also have the flexibility to deliver the Green Campus, whilst providing potential growth opportunities alongside it, without having over all of the responsibility. The council has also managed different types of traffic in and around the port (including ro-ro freight, aggregates, wind farm operations and trade car arrivals/storage), and this would be set out in a clear agreement with a third party operator so as not to unduly impact any of the operations at the port. Implementation of this option would be via a competitive expression of interest process, leading to the selection of a successful submission, based upon the agreed scoring criteria. The subsequent agreement would take the form of a concession agreement with accompanying lease. This option would allow the flexibility to retain existing agreements with long term leaseholders (mainly wind farms operators and aggregates) and develop investment opportunities that may arise following the completion of the Green Campus project.'

Agenda Item 6

Annex 1

- 3.4 Further work has subsequently been completed on how these two projects interact with each other and can best be coordinated, so that both the council and an appointed port operator for berths 2 and 3 can have a greater level of certainty over any infrastructure related costs during the lifetime of a new concession contract and over how any related risks and costs would be shared between the parties.
- 3.5 In July 2023 a pre-market engagement exercise was undertaken to test the level of external interest in operating a substantial part of the Port of Ramsgate. A prospectus was prepared and interested parties were invited to complete a pre-market engagement questionnaire, which sought responses on the type of operation proposed along with some key questions on the proposed concession agreement terms. This was a pre-market engagement process rather than a prequalification stage of the forthcoming concession procurement process which will be published as an open tender. The engagement exercise was extremely helpful and an encouraging number of responses were received from a wide range of parties. The responses received have helped to inform the development of the port concession model.
- 3.6 Ideally, the LUF funding allocated to the Port Infrastructure project would be sufficient to ensure that the refurbishment of berths 2 and 3 and the connecting mooring spine, as well as the required landside infrastructure, could be provided and maintained at the required standard throughout the period of the concession contract. However, it is now clear, from provisional estimates made by officers, and based on our increasing knowledge of the requirements placed on the council as port owner, that the likely costs will be significantly higher than the available LUF funding.
- 3.7 We are required, in summary, to refurbish the infrastructure to the point where it can be expected to remain operational, with regular maintenance carried out by the appointed Port Operator, for the period of the contract with the Operator - which will be at least 10+ years. There will also inevitably be some residual risk that further costs will emerge during the lifetime of the concession contract - though the costs should be able to be covered by income earned from Port operations.
- 3.8 As the Statutory Harbour Authority, we will retain an obligation to ensure that the port infrastructure is fit for purpose throughout the period of any concession agreement. We will also be responsible for the collection of berthing fees from ferry operators, and part of any income can be set aside for maintenance. The appointed operator will have the ability to charge for other related services (such as stevedoring) and use any income generated to pay concession fees to the council and to meet any other on-going obligations imposed through the agreement. These issues will be fully considered during the agreed competitive procurement exercise to appoint an operator and will be informed by the outcome of the planned condition surveys.
- 3.9 In order to help mitigate this risk in relation to the costs of the marine infrastructure, we are commissioning detailed specialist surveys and design work for the refurbishment of berths 2 and 3 and the linking mooring spine. The tender for these surveys is being advertised in January 2024. The associated Schedule of Works and Cost Plan are expected to be available by June 2024, and will be used to specify the necessary work, in parallel to the procurement and appointment of a new operator.

Agenda Item 6

Annex 1

- 3.10 Managing the project to invest in the port infrastructure in parallel with the procurement and appointment of a port operator will also help to mitigate any risk that the council might commit to the investment in the infrastructure project but is subsequently unable to secure an operator. This risk was largely considered in the previous port report on 2 March 2023, when the strategic case for the reintroduction of Ro-Ro services to Ramsgate was considered.
- 3.11 A preliminary estimate, subject to survey, of the likely costs of the port infrastructure is set out in section 4 below, and at this stage it is expected that the grant funding currently allocated to the Port Infrastructure project will be insufficient to cover the costs. There is some scope for the costs of particular elements to be included within the responsibilities of the appointed operator. Any responsibilities passed to the operator would be reflected within the agreed concession fees. All other additional costs, over and above that available from the Levelling Up Funds, will need to be covered by transferring LUF grant funding from one or more other Ramsgate projects, as the council is unable to provide funding for any shortfall (as set out in para 1.7 above). At this stage, given the position on the Visitor Accommodation (para 2.5 above) and Fishing Facilities (para 2.6 above), we are working on the hypothesis that funds could be transferred from these schemes to the Port infrastructure.
- 3.12 This parallel approach to these two interdependent projects has added significant complexity to the port elements of the Ramsgate regeneration programme, but will help to ensure that the overall level of risk posed to the council, in relation to the operation of the port is reduced. This complexity has impacted on the overall project timeline.
- 3.13 We must also consider the possible alternative uses for the Port site, should this joint project become undeliverable.

4.0 Cost Pressures

- 4.1 The report to Cabinet in September 2023 identified that there has been significant inflation related pressures on projects within national Levelling Up and Regeneration programmes. This is equally true of the Ramsgate programme, and although reasonable assumptions were included for inflation and contingencies they have not matched the unforeseeable levels of inflation at 20-30% for some of the projects in programme. This is a feature of LUF allocations across the country. Every council in receipt of LUF funding is in this position. Unforeseen works, at the time of the original LUF bid for Ramsgate, have also added additional costs in some instances. The inflationary pressure has also impacted on the cost of living and affected the viability of the business plans of some of the schemes and their deliverable outputs, which also needs to be considered. These assumptions were reset as part of the approved Simplification Pathway Pilot Investment Plan, but will need further review if there are any significant changes to the programme.
- 4.2 There are a number of options for how these significant increases in costs can be dealt with, as follows:
- Value Engineering: A process to review the size, scale, design and materials proposed for construction projects. Easier to achieve with new build projects than for refurbishment projects, particularly where buildings may be listed.

Agenda Item 6

Annex 1

Where buildings are reduced in scale it is also necessary to consider whether they will still enable the same level of outputs to be achieved

- Seeking additional external funding: This approach has so far not proved productive, for example, the council was unsuccessful with bids submitted to the National Lottery Heritage Fund to support the cost of works to the listed Clock House and to the UK Seafood Infrastructure Fund to add to the proposed fishing facilities with related works around the harbour . To date, match funding for the Green Campus project has not been forthcoming from potential operators, however the PIN process may identify opportunities for match funding. That said, these outcomes have not resulted in projects becoming undeliverable and projects can be delivered in a way that allows future match funding and expansion. There is also some scope for the appointed operator for the Ro-Ro operations to cover some of the related port infrastructure costs, as identified in paragraph 3.10 above. As the port is potentially of national significance, engagement with central government about the current costs and funding gap is continuing.

4.3 There is currently no scope for the council to directly contribute to any of the costs of the programme, unless supported by a clear business case that investment would be self-funding. Therefore, if the options of value engineering and external funding are insufficient to deliver the programme within the available resources the council will also need to consider the reallocation of funding between projects to ensure that priority projects are resourced to completion. This will inevitably involve some projects being either reduced in scale or removed from the programme in their entirety.

4.4 Work to review the scope and costs of the Ramsgate Regeneration programme is on-going, and the options set out above continue to be explored. The council will need to resolve these issues during the spring/summer 2024 and agree the final form of the programme, so that there is sufficient time to deliver construction projects and commit spending against the Future High Streets Fund and Levelling Up Fund by the deadline of March 2026.

4.5 The port infrastructure remains a critical cost risk at this stage and the completion of detailed condition surveys of berths 2 and 3 and the linked mooring spine is essential to reduce this risk and determine the final form of the Ramsgate programme. Initial work has been completed in-house to determine a best estimate of cost, based on detailed information currently available about the scope of works required, but this does need external validation based on the survey findings. Based on current project timelines, the draft condition survey report is anticipated to be available in June 2024.

4.6 The cost pressures described above have created a very challenging cost environment across the Ramsgate programme. This is shown in more detail in Annex 2 to this report, which details the original grant allocations, the current estimated cost of projects in the programme and some potential options for grant and cost reallocation. There have already been some changes to the original programme, following the report to Cabinet in September 2023, and further changes to ensure that the programme remains within the available budget are considered possible at this stage. These changes are:

- The removal of the original Smackboys project from the programme when the Simplification Investment Plan was approved (Approved by Cabinet on 21 September 2023). The original allocation of grant to this project was £2.671m.

- The fishing facilities project, as considered in paragraph 2.6 above is unlikely to proceed in its current form and can be significantly reduced in scale and cost. The original allocation of grant to this project was £3.918m.
- The Green Campus is a proposed new build project which means that there is scope to reduce the design and scale (and therefore cost) of the building through a process of value engineering, so that the cost remains within its original grant allocation of £6.101m.
- The port infrastructure project is currently estimated at £10m +/- 25%. The original allocation of grant to this project was £3.514m.
- Options are being considered to close the current estimated funding gap of £2.15m. This includes engagement with central government, and exploring the potential to reallocate some of the cost of the port infrastructure project to the appointed operator, through the terms of the proposed concession agreement. The ability to include some costs with the concession agreement will not be known until an operator has been identified and agreements are in place. In addition, the actual value of the shortfall will not be known until all costs have been quantified.

4.7 Decisions about these potential changes will need to be taken as soon as the costs relating to berth 2 and 3 and the linked mooring spine are better defined, following survey. This is expected in June 2024. For now, Annex 2 presents a potential way forward for the programme and although no specific budget virements are proposed at this time, members are asked to note the likely need for budget virements and/or programme changes to be made subsequently.

4.8 Within the terms of the Simplification Pathfinder Pilot the council is permitted to vire up to £5m between projects, without the need to obtain consent from the government. Virements above this level would require an approved project adjustment. It is not clear whether this £5m limit applies to a single project or to the totality of virements across the whole Investment Plan. In addition, the flexibility to vire funding between projects only applies to existing projects: the allocation of any funding to new projects would require the sign off of a new business case by Government. Any proposal to vire money between projects will require a Cabinet decision.

4.9 It is important to note that the Simplification Pathway Pilot Investment Plan includes the Margate Regeneration Programme, which will be subject to a separate report to Cabinet. It is likely that the council will require government sign off for the scale of the potential budget virements set out above.

5.0 Programme Timeline and Milestones

5.1 Clear project milestones and timelines will be required for all projects so that the council is able to monitor and report on the progress of project delivery.

5.2 Where key dates are known for the next key activities that need to be delivered, these are set out within the project level summaries, included in section 2 above.

5.3 Each project that proceeds to a delivery stage will have key milestones and timelines defined at the outset. This information, as well as key information about project deliverables and project costs, will be detailed in the key decision reports that will be needed to authorise the procurement of construction projects.

6.0 Project Monitoring and Reporting Arrangements

- 6.1 The Simplification Pathway Pilot Investment Plan effectively combined the three previous programmes (Levelling Up Fund, Town Deal and Future High Streets Fund) across both Margate and Ramsgate programmes into a single investment plan.
- 6.2 Under the Simplification Pathfinder Pilot the existing projects, approved by Cabinet in September 2023 were reprofiled against the intervention themes for the Pilot. These themes are:
- Enhancing sub-regional and regional connectivity
 - Unlocking and enabling industrial and commercial development
 - Strengthening the visitor and local service economy
 - Improving the quality of life of residents
 - Employment and education

The council is required to provide the monitoring and evaluation information to the government in relation to project delivery and outputs across these themes rather than for individual projects. These arrangements were detailed in [Annex 1](#) of the report considered by Cabinet in September.

- 6.3 As the accountable body for the delivery of the overall Investment Plan, it is essential that there is also project level monitoring and reporting of key project based information, including progress against agreed project timelines, changes to project deliverables and costs performance against budget. Officers will continue to monitor project and programme level information through the established internal Project Delivery Board and key performance and monitoring information will be reported to the Overview and Scrutiny Panel and the Cabinet quarterly.
- 6.4 Key performance and monitoring information will also be reported to the new Regeneration Partnership Board, whose [Terms of Reference](#) were agreed by Cabinet in September. Progress on the establishment of the new Regeneration Partnership Board is provided in section 7, below.
- 6.5 Central government has recently provided an outline of the monitoring and evaluation requirements for the amalgamated programme of projects. A detailed Monitoring and Evaluation (M&E) form will be completed during Quarter two and Quarter four of each year, and a light-touch RAG (Red, Amber, Green) rating report will be completed for Quarter one and Quarter three. Guidance for completing the M&E questions is expected to be provided when the final version of the returns are sent to the council, with their deadlines.
- 6.6 The light touch M&E return requires programme level RAG rating on the council's ability to spend the current spending profile and the current portfolio-level delivery progress. An explanation is required with this. The second part to the return is a RAG rating for each project against spend and delivery risk.
- 6.7 The detailed M&E return requires a more detailed update on progress, with information on the delivery of our portfolio of projects, which includes spend and delivery RAG ratings for each project, issues, and key upcoming milestones. A section on Outputs and Outcomes about what the portfolio is delivering - and what

the projects are forecasting to deliver. This will be against each intervention theme. The return requires an update on the top five risks and mitigations across the portfolio. Information on the portfolio finances will include information on committed and forecasted spend at both portfolio and project level, and plans for uncommitted funding, or underspend.

7.0 Regeneration Partnership Board

- 7.1 Prior to Christmas the council received notification that the proposed Investment Plan, as part of the Simplification Pathfinder Pilot, had been approved by Ministers. This was welcome news, meaning that the council is now able to move forward with setting up the Regeneration Partnership Board, to provide the council with oversight on the delivery of the regeneration projects across the district.
- 7.2 At the Cabinet meeting on the 21 September 2023, Cabinet approved the recommendation to set-up a new Partnership Board with the recruitment of Board members to be in consultation with the Leader of the Council. Invitation letters have been sent to business and community representatives, Ramsgate Town Council and Margate Charter Trustees have been invited to propose a Board member, and a draft Terms of Reference has been shared.
- 7.3 Once all positions of the new Regeneration Partnership Board have been filled the first meeting will be held, the aim is for this to be early March. An area of the council's website will be allocated to the Partnership Board, including information on the members, their declarations of interest, agendas and minutes.

8.0 Next Steps

- 8.1 It is proposed that this report is presented to the Overview and Scrutiny Panel for their consideration, at the earliest opportunity. Any comments and recommendations made by the Overview and Scrutiny Panel will then be referred back to Cabinet for their consideration.
- 8.2 Further reports will be presented to the Overview and Scrutiny Panel setting out the project deliverables, timelines and milestones and project costs for all projects in the programme. Where appropriate, these key decisions will be needed to authorise project expenditure. Recommendations will take into account the overall cost of the programme, compared to the available funding, including the costs relating to the port infrastructure project, once there is greater clarity about these costs.

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

Annex List

Annex 1: Summary of RIBA stages
Annex 2: Financial Summary

Background Papers

None

Corporate Consultation

Finance: Matthew Sanham (Head of Finance and Procurement)

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

This page is intentionally left blank

Annex 1

The Stages of the Royal Institute of British Architects (RIBA) Plan of Work

The RIBA Plan of Work consists of eight stages, numbered 0 to 7. Each stage represents a phase in the project lifecycle and is designed to ensure that all aspects of the project are considered and addressed.

1. RIBA Stage 0: Strategic Definition – In this stage, the project’s objectives, constraints, and requirements are defined. Stakeholders are identified, and their needs and expectations are considered.
2. RIBA Stage 1: Preparation and Brief – The project brief is developed, outlining the client’s requirements, project scope, and key performance indicators. A feasibility study may be conducted to assess the project’s viability.
3. RIBA Stage 2: Concept Design – Initial design concepts are developed, and the preferred design solution is chosen. This stage includes preliminary cost estimates and risk assessments.
4. RIBA Stage 3: Spatial Coordination – The chosen design concept is developed into a coordinated architectural, structural, and services design. This stage includes the preparation of planning applications, building regulations submissions, and detailed cost estimates.
5. RIBA Stage 4: Technical Design – Technical details are finalised, including specifications, schedules, and drawings. The design is coordinated with other disciplines, and any necessary adjustments are made.
6. RIBA Stage 5: Construction – The project is constructed according to the technical design, with regular site inspections and progress reports to ensure quality and compliance with the design.
7. RIBA Stage 6: Handover and Closeout – The project is handed over to the client after construction. Any defects or issues are rectified, and final documentation is provided.
8. RIBA Stage 7: In Use – The performance of the completed project is monitored and evaluated. Feedback is collected to inform future projects and improve the design process.

This page is intentionally left blank

Annex 2: Financial Summary							
Project	Original Grant Allocation (£000s)	Revised Grant Allocation Simplification Pilot (£000s)	Spent as at November 2023 (£000s)	Committed as at November 2023 (£000s)	Current Cost Estimates (£000s)	Notes	Potential new costs/funding allocations (Subject to subsequent approval) (£000s) Includes spent and committed amounts
Creative Workspace	1,064	1,064	30	14	1,064	RIBA stage 2 cost estimate	1,064
Highways scheme	1,640	1,640	71	32	1,640	RIBA stage 2 cost estimate	1,640
Port Infrastructure	3,514	3,514	112	122	10,000	Initial internal assessment of likely cost +/- 25% to be validated following survey	10,000
Green Campus	6,101	6,101	152	163	6,101	RIBA stage 2 cost estimate	6,101
Smack Boys	2,671	0	81	93	174	Project discontinued as part of Simplification Pilot stage	174
Visitor Accommodation	0	792	0	0	792	Provisional sum - deliverable project not identified	100
Fishing Facilities	3,918	3,918	104	86	3,918	Provisional sum for minor works	100
Clock House	1,480	3,359	105	186	5,686	Cost with Heritage grant - project needs value engineering	3,359
Pier Yard	1,315	1,315	50	83	1,315	RIBA stage 2 cost estimate	1,315
Access Newington	576	576	13	123	576	RIBA stage 1 cost estimate	576
Ramsgate Town Centre	264	264	0	0	264	RIBA stage 2 cost estimate - project combined with Creative Workspace	264
Totals	22,543	22,543	718	902	31,530		24,693
						Total Grant Funding	£22,543
						Current budget shortfall based on current assumptions	£2,150

This page is intentionally left blank

Review of the Overview & Scrutiny Panel Work Programme for 2023-24

Overview & Scrutiny Panel Panel	15 February 2024
Report Author	Committee Service Manager
Status	For Decision
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 review the Overview & Scrutiny Panel work programme for 2023/24.

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 This report allows the Panel to review the work programme for the period 2023/24. The work programme helps provide a framework for reporting progress regarding the activities of the Overview and Scrutiny Panel and would also provide officers with a reference point for planning appropriate levels of support for the Panel. This report follows on from the one that was considered by Members on 16 January 2024.
- 1.2 The current statutory guidance for the scrutiny function says, effective overview and scrutiny should:
 - Provide constructive 'critical friend' challenge;

- Amplify the voices and concerns of the public;
- Be led by independent people who take responsibility for their role; and
- Drive improvement in public services

1.3 With this in mind, Members may wish to ensure that the Panel work programme for the year provides opportunities for critical but constructive challenge to the Executive, articulate any concerns about matters that are the business of the council and strive for improved service delivery by the Council and other public agencies working in Thanet. Members could also consider including in the work programme matters they would like to investigate on any matter that they feel affects the welfare of the local communities.

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 was currently finalising its report before presenting it to the Panel in the first quarter of this year.

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;

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 have been planned for review the Panel:

- Purchase of 2 by 7.5 tonnes road sweepers for TDC Cleansing - 15 February 2024 meeting;
- Changes to the statutory Instrument governing the level of fines for fly tipping, Breach of Duty of care - 15 February 2024 meeting;
- Department for Levelling Up, Housing and Communities externally funded project - approval for the grant and lease arrangements for the Margate Digital project- 15 February 2024 meeting;
- Spend of £261,032.00 to purchase fleet camera and tracker systems - 12 March 2024 meeting.

3.0 Options

3.1 Members are being asked to comment on the work programme.

3.2 Members may opt to make changes to the work programme particularly the scrutiny topics in annex 2 to the report.

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

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

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:

Legal:

Overview & Scrutiny Panel Work Programme for 2023/24		
Meeting Date	Indicative Agenda Items	Issue Source
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
	Purchase of 2 by 7.5 tonnes road sweepers for TDC Cleansing - 15 February 2024 meeting;	Cleansing Services 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
	Spend of £261,032.00 to purchase fleet camera and tracker systems	Cleansing Services 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 7

Annex 1

Table as February 2024

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 was held on 30 November and Members were now drafting the report for submitting to the Panel on 15 February 2024.
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"/>			
26/10/23	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	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				
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"/>
06/12/23	The Re-tendering of the responsive repairs contract	<input checked="" type="checkbox"/>			
06/12/23	Tenant and Leaseholder Services Q2 report for				<input checked="" type="checkbox"/>

	2023/24				
06/12/23	Jackey Bakers Recreation Ground	<input checked="" type="checkbox"/>			
06/12/23	Public Toilets Refurbishment and Renewal Project	<input checked="" type="checkbox"/>			
16/01/24	Cabinet Member Presentation - Background to the Council's Parking Strategy Review			<input checked="" type="checkbox"/>	
16/01/24	2024/25 Fees and Charges	<input checked="" type="checkbox"/>			
16/01/24	Draft 2024/25 Budget	<input checked="" type="checkbox"/>			
16/01/24	HRA Budget 2024/25	<input checked="" type="checkbox"/>			
16/01/24	Temporary Staff Contract	<input checked="" type="checkbox"/>			
16/01/24	Land at Shottendane Road	<input checked="" type="checkbox"/>			
16/01/24	Decision for Coastal & Beach Public Spaces Protection Order (PSPO) renewal to 2027	<input checked="" type="checkbox"/>			
16/01/24	Purchase of 7 Homes at Northwood Road, Broadstairs for Affordable Rent	<input checked="" type="checkbox"/>			
16/01/24	Draft Corporate Plan for 2024-28	<input checked="" type="checkbox"/>			
16/01/24	Treasury Management Strategy Statement, Minimum Revenue Provision Policy Statement and Annual Investment Strategy for 2024/25		<input checked="" type="checkbox"/>		
16/01/24	Review of Overview and Scrutiny Work				<input checked="" type="checkbox"/>

	Programme for 2023/24				
16/01/24	Forward Plan and Exempt Cabinet Report List				<input checked="" type="checkbox"/>

This page is intentionally left blank

FORWARD PLAN AND EXEMPT CABINET REPORTS LIST

Overview & Scrutiny Panel 15 February 2024

Report Author Committee Service Manager

Status For Information

Classification: Unrestricted

Key Decision No

Ward: Thanet Wide

Executive Summary:

To update Panel Members on the revised Forward Plan and Exempt Cabinet Reports List (hereby referred to as the Forward Plan) of key decisions and allow the Panel to consider whether it wishes to be consulted upon any of the items.

Recommendation(s):

Members' instructions are invited.

Corporate Implications

Financial and Value for Money

There are no financial implications arising directly from this report.

Legal

There are no legal implications arising directly from this report.

Risk Management

There are risks arising directly from this report.

Corporate

The Forward Plan is a publication of key decisions and policy framework decision items.

Equality Act 2010 & Public Sector Equality Duty

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

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

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

This report relates to the following aim of the equality duty: -
(Delete as appropriate)

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

There are no equity and equalities issues arising directly from this report but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure that policy decisions being made and service delivery to residents match these..

CORPORATE PRIORITIES

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

- 1.1 The law requires that the Council regularly publish a Forward Plan of Key Decisions. Thanet's Forward Plan and Exempt Cabinet Report List is updated monthly and published on the Council's internet site www.thanet.gov.uk
- 1.2 The aim of the Forward Plan is to allow the general public and Council Members to see what decisions are coming up over the next few months and how they will be handled i.e. whether a decision will be taken by Cabinet or Council, and whether there will be input from Overview & Scrutiny during the process.
- 1.3 Overview & Scrutiny receives an updated copy of the Forward Plan at each Panel meeting. The Panel can identify any item on the Forward Plan to be added to the Overview and Scrutiny work programme in order to be scrutinised further. A copy of the latest version of the Forward Plan is attached at Annex 1 to the report.
- 1.4 Members may wish to note that the new The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires that the Council gives 28 clear days' notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Contact Officer: Charles Hungwe, Deputy Committee Services Manager, Ext 57186
Reporting to: Nick Hughes, Committee Services Manager, Ext 57208

Annex List

Annex 1: Forward Plan & Exempt Cabinet Reports List

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Acting Deputy Chief Executive)

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

This page is intentionally left blank



FORWARD PLAN AND EXEMPT CABINET REPORT LIST

10 JANUARY 2024 TO 31 OCTOBER 2024

The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012 requires the Council to give 28 clear days' notice of any key decision or of any reports which the Cabinet intends to consider in private session.

Key decisions

A key decision is an executive decision (taken by cabinet or by an individual Cabinet member on cabinet's behalf):

- 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.

If an executive decision does not fall into any of the above categories, it is included as non-key. Thanet District Council also includes in its published Forward Plan decisions affecting Policy Framework and Budget Setting. Other Council decisions may also be included if they have a significant impact on communities. In such cases, the decision type will be denoted as "other".

Reports to be considered in private session

Agenda Item 8

Annex 1

The second last column of the Plan indicates where a report is likely to contain exempt information and result in the public and press being asked to leave the meeting for the consideration of the whole or part of the item.

If you wish to make any representations relating to a proposal to hold part of a meeting in private due to the potential disclosure of exempt information, please contact Nicholas Hughes, Committee Services Manager, PO Box 9, Cecil Street, Margate, Kent CT9 1XZ, nicholas.hughes@thanet.gov.uk, telephone number 01843 577208, at least 14 calendar days before the date of that meeting.

At least 5 clear (working) days before the meeting, the Council will publish on its website a notice giving details of representations received about why the meeting should be open to the public and a statement of its response.

The Plan represents a snapshot of decisions in the system as at the date of publication. It is updated 28 clear days before each meeting of Cabinet. The Plan is available for inspection at all reasonable hours free of charge at Thanet Gateway Plus, Cecil Street, Margate, Kent CT9 1RE.

Availability of documents

Subject to any prohibition or restriction on their disclosure, copies of, or extracts from, any document listed in the Plan will be available from Thanet Gateway Plus, Cecil Street, Margate, Kent CT 9 1RE. Other documents relevant to those matters may be submitted to the decision makers; if that is the case, details of the documents as they become available can be requested by telephoning Democratic Services on 01843 577500 or by emailing committee@thanet.gov.uk.

The documents listed in the Plan will be published on the Council's website at least five clear (working) days before the decision date. Other documents will be published at the same time or as soon as they become available.

The Cabinet comprises the following Members who have responsibility for the portfolio areas shown:

Councillor Rick Everitt	Leader of the Council and Cabinet Member for Strategy and Transformation
Councillor Helen Whitehead	Deputy Leader of the Council and Cabinet Member for Housing
Councillor Steve Albon	Cabinet Member for Cleansing and Coastal Services
Councillor Rob Yates	Cabinet Member for Corporate Services
Councillor Heather Keen	Cabinet Member for Neighbourhoods
Councillor Ruth Duckworth	Cabinet Member for Regeneration and Property

10 January 2024 to 31 October 2024

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Draft Corporate Plan for 2024-28	Agreement to progress with the public consultation of the draft Corporate Plan for 2024-28. Review of final Corporate Plan 2024-28 - to consider the findings from the public consultation and Approval of Final Corporate Plan 2024-28.	1.Cabinet Overview & Scrutiny Panel Cabinet Council 2.Hannah Thorpe, Head of Strategy and Transformation	Councillor Rick Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation	19 Oct 23 16 Jan 24 25 Jan 24 8 Feb 24	Policy Framework		Cabinet report OSP report 2nd Cabinet report Council report

Annex 1

Agenda Item 8

Page 83

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Treasury Management Strategy & Annual Investment Strategy 2024/25		1.Governance & Audit Committee Cabinet Council 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	29 Nov 23 11 Jan 24 8 Feb 24	Budget setting		Governance & Audit Committee report Cabinet report Council report
Medium Term Financial Plan 2024-28		1.Cabinet 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	11 Jan 24	Key		Cabinet report
Council tax Base Calculation Report		1.Cabinet 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	11 Jan 24	Key		Cabinet report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
HRA Budget 2024/25		1.Cabinet Overview & Scrutiny Panel Council 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	11 Jan 24 16 Jan 24 8 Feb 24	Budget setting		Cabinet report OSP report Council report
Budget 2024/25 including Fees and Charges		1.Cabinet Overview & Scrutiny Panel Council 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	11 Jan 24 16 Jan 24 8 Feb 24	Budget setting		Cabinet report OSP report Council report

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Fees and Charges for 2024/25	To agree the 2024/25 fees and charges	1.Cabinet Overview & Scrutiny Panel Cabinet Council 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	11 Jan 24 16 Jan 24 25 Jan 24 8 Feb 24	Non-Key		Cabinet report OSP report 2nd Cabinet report Council report
Purchase of Section 106 Affordable Housing Units	Approval to purchase of 7 Affordable Rented Homes within the Housing Revenue Account (HRA).	1.Overview & Scrutiny Panel Cabinet 2.Ashley Jackson, Head of Housing and Planning	Councillor Helen Whitehead, Deputy Leader and Cabinet Member for Housing	16 Jan 24 25 Jan 24	Key		OSP report Cabinet report
Decision for Coastal & Beach Public Spaces Protection Order (PSPO) renewal to 2027	Renewal of Coastal & Beach PSPO to 1st April 2027	1.Overview & Scrutiny Panel Cabinet 2.Lisa Collingwood, Education Enforcement Officer	Councillor Steve Albon, Cabinet Member for Cleansing and Coastal Services	16 Jan 24 25 Jan 24	Key		OSP report Cabinet report

Annex 1

Agenda Item 8

Page 86

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Land at Shottendane Road	To consider proposals for the use of land and approve public consultation.	1. Overview & Scrutiny Panel Cabinet 2. Bob Porter, Director of Place	Councillor Helen Whitehead, Deputy Leader and Cabinet Member for Housing	16 Jan 24 25 Jan 24	Key		OSP report Cabinet report
Temporary Staff Contract	The procurement of a new temporary agency staff contract to maintain service delivery across all operational roles and administrative functions following the expiry of the current contract.	1. Overview & Scrutiny Panel Cabinet 2. Matthew Elmer, Head of Cleansing Services	Councillor Steve Albon, Cabinet Member for Cleansing and Coastal Services	16 Jan 24 25 Jan 24	Key		OSP report Cabinet report
EKS transition programme business case for approval	EKS Revenues and Benefits and Customer services will transition to a Local authority trading company if approved.	1. Cabinet 2. Jasvir Chohan, Interim East Kent Services Transition Manager	Councillor Rob Yates, Cabinet Member for Corporate Services	25 Jan 24	Non-Key		Cabinet report
Council Tax Resolution Report		1. Council 2. Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	8 Feb 24	Budget setting		Council report

Annex 1

Agenda Item 8

Page 87

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Purchase of 2 by 7.5 tonnes road sweepers for TDC Cleansing - total cost £300,000.00	Thanet's streets will be kept clear of litter and detritus. TDC owns no sweepers at this moment in time.	1.Overview & Scrutiny Panel Cabinet 2.Matthew Elmer, Head of Cleansing Services	Councillor Steve Albon, Cabinet Member for Cleansing and Coastal Services	15 Feb 24 29 Feb 24	Key		OSP report Cabinet report
Changes to the statutory Instrument governing the level of fines for fly tipping, Breach of Duty of care	Level of FPNs to be increased for offences related to fly tipping and waste duty of care	1.Overview & Scrutiny Panel Cabinet 2.Eden Geddes, Enforcement and Multi Agency Task Force Manager	Councillor Heather Keen, Cabinet Member for Neighbourhoods	15 Feb 24 29 Feb 24	Key		OSP report Cabinet report
Spend of £261,032.00 to purchase fleet camera and tracker systems	The equipment will provide evidence for 3rd party insurance claims, vehicle theft, vandalism and careless driving.	1.Overview & Scrutiny Panel Cabinet 2.Matthew Elmer, Head of Cleansing Services	Councillor Steve Albon, Cabinet Member for Cleansing and Coastal Services	12 Mar 24 14 Mar 24	Key		OSP report Cabinet report
Purchase of property for use as Temporary Accommodation	Approval to purchase of property for use of TA as identified within the capital programme	1.Cabinet 2.Ashley Jackson, Head of Housing and Planning	Councillor Helen Whitehead, Deputy Leader and Cabinet Member for Housing	14 Mar 24	Non-Key		Cabinet report

Annex 1

Agenda Item 8

Page 88

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
Department for Levelling Up, Housing and Communities externally funded project - approval for the grant and lease arrangements for the Margate Digital project	East Kent College Group will be able to move forward with the delivery of the Margate Digital project in Margate High Street.	1.Cabinet 2.Louise Askew, Head of Regeneration and Growth	Councillor Ruth Duckworth, Cabinet Member for Regeneration and Property	29 Feb 24	Non-Key		Cabinet report
Department for Levelling Up, Housing and Communities externally funded projects update and approvals	Key decisions and approvals required for the government funded regeneration projects in Ramsgate/Margate	1.Overview & Scrutiny Panel Cabinet 2.Louise Askew, Head of Regeneration and Growth	Councillor Rick Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation	Before 20 Mar 24 Before 29 Mar 24	Key		OSP report Cabinet report
Q3 Treasury Report	To provide an update on Treasury strategy and performance	1.Governance & Audit Committee 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	6 Mar 24	Non-Key		Governance & Audit Committee report
Corporate Risk Management Quarterly Update		1.Governance & Audit Committee 2.Chris Blundell, Director of Corporate Resources & S151 Officer	Councillor Rob Yates, Cabinet Member for Corporate Services	6 Mar 24	Non-Key		Governance & Audit Committee report

Annex 1

Agenda Item 8

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
TLS procurement - Fire door replacement Contract	The letting of a 5 year contract, with the option to extend for a further 2 years. To supply and fit fire doors to low rise flatted blocks that are in the HRA social housing stock	1.Cabinet 2.Sally O'Sullivan, Head of Tenant and Leaseholder Services	Councillor Helen Whitehead, Deputy Leader and Cabinet Member for Housing	14 Mar 24	Non-Key		Cabinet report
Budget Monitoring 2023/24: Report No.3	To provide an update on the Financial Position & Forecast Outturn	1.Cabinet 2.Chris Blundell, Director of Corporate Resources & S151 Officer		14 Mar 24	Non-Key		Cabinet report
Department for Levelling Up, Housing and Communities externally funded projects update and approvals	Required approvals to made for the Ramsgate Levelling Up Fund/ Margate Levelling Up Fund / Future High Street Fund / Margate Town Deal approvals	1.Cabinet 2.Louise Askew, Head of Regeneration and Growth	Councillor Rick Everitt, Leader of the Council and Cabinet Member for Strategy and Transformation	Before 29 Mar 24	Key		Cabinet report
Adopt a new and revised Strategic Asset Management Plan	The new SAMP [Strategic Asset Management Plan] will provide a road map for estates to demonstrate how it is going to achieve the Council priorities.	1.Cabinet Council 2.Andreea Plant, Head of Property	Councillor Ruth Duckworth, Cabinet Member for Regeneration and Property	Before 31 Mar 24 Before 30 Apr 24	Policy Framework		Cabinet report Council report

Annex 1

Agenda Item 8

Decision to be Considered	What the Decision will mean	1. Decision Path/ 2. Lead Officer	Lead Cabinet Member	For Decision by (in case of O & S, consultation date)	Decision Type	Details of any information likely to be considered in private under Schedule 12A of the Local Government Act 1972	Documents submitted to the Decision Maker
A combined PSPO for Alcohol and Anti-social behaviour from July 2024 to July 2027	Bringing the two PSPO in line with each other from July 2024 will streamline the enforcement of all aspects of the PSPO and allow for more effective understanding from residents and from enforcement officers.	1. Overview & Scrutiny Panel Cabinet 2. Jo-Anna Taylor	Councillor Heather Keen, Cabinet Member for Neighbourhoods	Before 30 Jun 24 Before 31 Jul 24	Key		OSP report Cabinet report
Phase 2 of the Public Toilets Refurbishment and Renewal Project	Approval of the site selection, design and specification for phase 2 of the Public Toilet Refurbishment and Renewal Project	1. Overview & Scrutiny Panel Cabinet 2. Tony Marmo, Head of Coastal and Public Realm	Councillor Steve Albon, Cabinet Member for Cleansing and Coastal Services	Before 30 Sep 24 Before 31 Oct 24	Key		OSP report Cabinet report

This page is intentionally left blank