

COUNCIL

Minutes of the meeting held on 6 December 2012 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Councillor Douglas W Clark (Chairman); Councillors Dark, Aldred, Bayford, Binks, Bruce, Campbell, Cohen, Coleman-Cooke, Day, Driver, Dwyer, Edwards, Everitt, Ezekiel, Fenner, Gibson, Gideon, D Green, E Green, I Gregory, Grove, Harrison, C Hart, S Hart, Hayton, Hibbert, Hornus, Huxley, Johnston, King, Kirby, Lodge-Pritchard, Marson, Matterface, Moore, Moores, Nicholson, Poole, Roberts, D Saunders, M Saunders, Savage, H Scobie, W Scobie, Sullivan, M Tomlinson, S Tomlinson, Watkins, Wells, Wiltshire, Wise, Worrow and Wright

In Attendance: Mr Hills, Independent Member and Chairman of the Standards Committee

51. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Alexandrou and K Gregory.

52. DECLARATIONS OF INTEREST

There were no declarations of interest.

53. MINUTES OF PREVIOUS MEETING

On the proposal of the Chairman, seconded by the Vice-Chairman, the minutes of the meeting of Council held on 20 September 2012 were approved by Council and signed by the Chairman.

54. ANNOUNCEMENTS

The Chairman reminded Members of the key provisions in the Council's constitution regarding the conduct of council meetings and the Chairman's powers to ensure the orderly conduct of debate.

55. PETITIONS FROM THE PUBLIC

(a) Dog ban on Dumpton Gap Beach

It was noted that the petition contained 135 signatures, and not 58 signatures, as stated in the report.

Mrs Natalie Stapley presented the following petition:

"We, the undersigned, request that Thanet District Council imposes a dog ban on Dumpton Gap Beach, from 1 May to 30 September, banning dogs during the hours of 10.00 hrs to 18.00 hrs, in accordance with the Clean Neighbourhoods and Environment Act 2005.

"Dogs that are not kept under the owners' control are creating Health and Safety and hygiene issues, which is causing distress and problems to many beach / promenade users."

Mrs Stapley outlined how dog fouling and aggressive behaviour by dogs were posing a risk to the health and safety of the increasing number of families who visited the beach.

She also pointed out that many incidents went unreported, as the public were generally unaware of whom to contact and that a dog ban, as requested in the petition, should represent a saving to the Council in terms of dog warden patrol.

It was proposed by the Chairman, seconded by the Vice-Chairman and resolved:

“That the petition be referred to Cabinet without debate and report back to Council within three ordinary meetings”.

56. QUESTIONS FROM THE PRESS AND PUBLIC

It was NOTED that no questions were received from the press and public in accordance with Council Procedure Rule 13.

57. QUESTIONS FROM MEMBERS OF THE COUNCIL

The following questions were received from Council Members:

(a) **Seaweed recovery from the coastline**

Councillor Bruce asked Councillor Poole the following question:

“Given the smaller than usual amount of seaweed recovered from the coastline this year, can Councillor Poole assure us that any underspend is directed at looking for more sustainable and efficient ways of collection and disposal in future years?”

Councillor Poole’s answer was as follows:

We were very fortunate this year. The winds and tides only managed to deposit 2,000 tons of seaweed on our beaches. Last year, it was much, much more.

Seaweed removal by the Council during the summer months this year was very successful. There were specific arrangements in place to remove the seaweed from the beaches, plus new arrangements to use farmers’ fields for spreading the seaweed. Additionally, there was a dedicated webpage with its seaweed barometer; I must mention significant efforts by the communications team to keep the public informed. The arrangements used this year are already in place for next year with an extra farm site added.

The majority of the cost for our seaweed removal is down to directly employed staff, who undertake this work and drive the vehicles involved. Two thousand tons of seaweed represents a significant volume of work. Internal staff are used to remove the seaweed as and when required. At other times, they are employed on other coastline work. There may be some small savings when the final accounts are done, especially as staff involved managed to get reduced vehicle hire charges, and these savings will contribute to preserving the levels of council reserves next year.

Alternative processes for dealing with seaweed such as anaerobic digestion or in-vessel composting have been explored, but these are generally impractical or unrealistic due to the nature of the seaweed and would involve the council paying significant amounts to use them. Any process would still involve the cost of removal and transport and so would represent no saving over our current arrangements. The benefit of field spreading is that this requires no extra processing; the spreading is undertaken by the farmers and is licensed by the Environment Agency. The Environment Agency is required to license the spreading of seaweed on farmers’ fields to ensure that the quality of extracted drinking water is not compromised. Whilst this remains the lowest cost option, using more costly and inappropriate alternatives would not be correct. Options to sell seaweed

have also been explored at times but nobody is seeking this and it would not, in any case, deal with more than a tiny fraction of the amount the Council removes each year.

As always, we are open to new ideas and proposals on this front, but they have to confer either a significant cost advantage over the current arrangements or present a significant environmental opportunity at the same cost. So far, we have not found anything that does this.

I would like to thank all the staff involved for the efficient way the seaweed problem was dealt with this year.”

Councillor Bruce then asked Councillor Poole a **supplementary question**, as follows:

Having mentioned in February that you were dealing with a number of farms, I would like clarification that, as I understand, one at least has failed. How are you monitoring that process?

Councillor Poole **responded**:

One of the fields that we had lined up wasn't available so wasn't used, but we have an extra farm for next year. We have sufficient capacity to deposit the seaweed.

(b) **Accommodation placements to persons from outside of Thanet**

Councillor King addressed the following **question** to Councillor D Green:

“Would Councillor Green inform Council tonight what number of people from outside of Thanet needing accommodation have been placed here from other authorities in the last twelve months?”

Councillor D Green **responded**:

The Councillor will know that other authorities in Kent cannot place their people in Thanet due to legislation. I can also advise you that we, as a Council, have not been informed by any other local authority that they have housed anybody needing accommodation in Thanet. If they do, they should inform us because they have a duty to do so under the Housing Act.

EK Services tell us that 31 new applications for housing benefit were received from people that have previously claimed housing benefit in London, and we have had 116 new claims for housing benefit from people who previously claimed from outside of Thanet. Of course, this may well be individuals who have moved here of their own accord and not through being placed here by anybody.

We have 71 people on our housing waiting list that are currently living in London, but, once again, these may be people that want to move here of their own accord and not being influenced by their current local authority.

Briefly, we have no information that anyone is being placed here from outside the area.”

Councillor King then asked the following **supplementary question**:

What contingency plans are there here, in Thanet, for the anticipated influx next year regarding housing benefit caps in London?

Councillor D Green **replied**:

Of course, this is a big concern to the Council. This government is bringing in a number of measures including cuts in housing benefit from April 2011, the under occupation penalties from April 2013 and the total benefit cap, which will also hit the people in society that are least able to cope; once again, in April 2013.

On top of that, of course, the government has just changed the law so that local councils in London no longer have to provide their own accommodation for people who are homeless but can place them in private accommodation which could, of course, be anywhere in the country.

So, it is a worry and we are concerned about it.

What we are doing at the moment, as the Councillor may know - because he has been consulted - is looking at our allocations policy to see whether it is fit for purpose under the new circumstances, and, I am told, our proposed changes will be going out for consultation very shortly, so that we have that in place before April 2013.

I can also tell you that we have written freedom of information requests to all London Boroughs, asking them for specific information about their current activities and their intentions of how they are going to respond to these rather difficult circumstances that the Government has placed them under.

(c) **Portfolio Responsibilities**

Councillor Wells put the following **question** to Councillor Fenner:

“Could Councillor Mrs Fenner please advise how she intends to reconcile her new responsibilities for press relations with her appearance in the local newspaper in December 2011, quoted as saying she believes the press ‘is so stupid’?”

Councillor Fenner’s **reply** was as follows:

As Cabinet Member, I am confident that we have high standards of reporting from our communications team, to give our residents the best possible information.

We are entitled to expect the same standards from the press, and we do. There are times when we are disappointed by the fact that the complex news sometimes gets mixed up, as was the case last Christmas when it was intimated that the responsibility for the problems relating to fireworks in Broadstairs lay with Thanet District Council, whilst, in fact, it did not. I made a comment in a private email which the local press chose to publish. I have no problem with that. They do their job in the way that they think fit, and we do ours. But, I hasten to say that it is not the same as if I had made a public statement about the local press. Besides, the inverted commas around the word, “stupid”, indicated that, in fact, it was not meant to be strictly speaking.

For the record, I did apologise to the reporter. The apology was accepted. We move on. The Thanet District Council communications team do an excellent job with the press and there is a good working relationship between me and the communications team. There is, all round, professional, positive work between all concerned - professional and courteous. Of course, it is not a cosy, over familiar relationship.

Councillor Wells then asked a **supplementary question**, as follows:

Does Councillor Fenner think that her experience with emails will help her with her stewardship of the IT department?

Councillor Fenner **responded**:

As I explained earlier, the emails were what they were. I do not exchange cosy, over familiar emails with my colleagues or anyone in the council.

(d) **Pollution incidents**

Councillor Bayford asked Councillor Johnston the following **question**:

“Given the pollution incidents that have plagued Thanet this year and the various comments from her in the media, can Councillor Johnston please confirm if she has achieved the level of compensation she was demanding from Southern Water and whether the beneficiaries will be as she expected?”

Councillor Johnston **responded**:

I have gone through all my comments in the press and it is very clear that I have not personally demanded compensation from Southern Water. However, numerous people in the community affected by the pollution have attended the scrutiny meetings on this matter.

As of today, I spoke to the Environment Agency who are working towards a possible legal action. They have been interviewing people in my ward and taking statements and will shortly take a statement from myself, We will know further the outcome of any action they take which will influence the compensation that all the people who have been so dreadfully affected in Margate and, in fact, your own ward.

The people who have been mostly affected are: the concessionaires who work on our beaches; the traders, particularly, in the Old Town in Margate; and, more seriously, the tenant homes along the Canterbury Road. So the answer to your question is: they are not beneficiaries. We are all the losers in this.

A **supplementary question** was then put to Councillor Johnston by Councillor Bayford:

I am kept informed about the situation through my colleagues who are actually on the Task and Finish Group that you have referred to.

It has been quite widely reported anecdotally that your attitude to Southern Water in general and some of their managers in particular has been quite hostile. Could you explain to Council why you think this is an appropriate approach, given that a good relationship with Southern Water is vital with us having so many miles of beautiful coastline?”

Councillor Johnston **replied**:

Again, Councillor Bayford won't be aware that on 8 June, Southern Water were invited into this Council by our officers, who have been doing an excellent job, and we had a very courteous and promising meeting. We shook hands and they went away to work with us. That position was pretty positive for some months. I cannot cover a particular situation very recently where we did not have such a courteous response. That matter is in the hands of people outside of this Council, but I have to say I have an excellent relationship with the senior PR Officer for Southern Water, the most senior officer, who has apologised to me.

58. MOTIONS ON NOTICE

VARIATION OF AGENDA

The Chairman directed that the Notice Number 2 (Agenda item no. 8b) be taken before Notice Number 1 (Agenda item no. 8a).

(a) Ramsgate Royal Sands (No. 2)

It was proposed by Councillor Bayford, and seconded by Councillor Moores:

“Council resolves that the proposed amended development agreement between Thanet District Council and the developers of Pleasurama / Royal Sands site be brought to full Council for debate and comment prior to signing.”

In accordance with Council Procedure Rule 16.3, it was proposed by Councillor Bayford, seconded by Councillor Moores that this motion on notice be debated.

On being put to the vote, the motion to debate was declared LOST.

As only Council could adopt or reject the motion on notice, the motion consequently fell.

(b) Ramsgate Royal Sands (No. 1)

It was proposed by Councillor Driver, seconded by Councillor Wells:

“This Council expresses its concern about the worrying lack of progress of SFP Ventures (UK) Ltd in developing the Royal Sands construction project.

“Council notes that SFP Ventures (UK) Ltd have been in negotiations with the Council to change the current development agreement.

“Council understands that this new agreement is ready for approval once SFP Ventures (UK) Ltd has demonstrated that:

- A) it has finance in place to complete the project; and
- B) that it has an agreement in place with a hotel management company to run the hotel which forms part of the development agreement with the Council.

“Council notes that more than 4 months have elapsed since it requested SFP Ventures (UK) Ltd to provide the information in A) and B) above.

“Council recommends to Cabinet that if SFP Ventures (UK) Ltd are unable to provide the information requested by the Council in A) and B) above by 31 January 2013 that Cabinet refuses to agree any new terms with this company and will robustly enforce the existing agreement including taking back the leasehold of the Royal Sands development if necessary.”

The Chairman asked if Members wished to debate the motion on notice; whereupon a motion to debate was put to the vote and declared LOST.

Consequently, and in accordance with Council Procedure Rules 16.3 and 16.4 (a) (iii), the Chairman stated that the motion on notice would be referred to Cabinet for determination or report.

59. LEADER'S REPORT

The Leader outlined key landmarks for the Council over the past year, including:

- the Memorandum of Understanding with the Chamber of Commerce;
- the formation of a new Thanet Regeneration Board;
- signing of the Thanet Armed Forces Community Covenant;

- winning the right to introduce a selective licensing scheme;
- the announcement that KLM would operate flights from Manston from 2 April 2013;
- a gold award for the Thanet's Visitor Information Centre; and
- the Troubled Families Initiative in partnership with Kent County Council.

The Leader also referred to good progress having been made on major projects.

Councillor Bayford, as Leader of the Conservative Group, suggested that most of the initiatives referred to by the Leader had been set in train by the previous administration.

Whilst welcoming the news of the KLM flights from Manston, which could provide 30 new jobs, he commented that the early morning flight would appear to contravene the no night-time flight policy.

In response, the Leader stated that the new flights represented a near-perfect example of a thriving airport within the constraints of a no-night time flying policy.

Councillor Worrow, Leader of the Thanet Independent Group, referred to the Council also having been in the first council in Kent and the second council in England to support equal civil marriage.

Councillor King, Leader of the Independent Group, declined to comment on the Leader's report.

60. RESPONSIBILITY FOR FUNCTIONS - EXECUTIVE, CHANGES TO CABINET PORTFOLIOS AND OPERATIONAL ACCOUNTABILITIES

The Cabinet Portfolio Holders, the Cabinet Portfolio Holders and Operational Accountabilities, as set out in the replacement Annex 1 to the supplementary report, were NOTED from the Leader.

It was FURTHER NOTED from Councillor Bayford that:

- a) he would become joint shadow portfolio holder in respect of the Strategic Economic Development Services and the Housing & Planning Services portfolios;
- b) the remaining shadow portfolio holders would remain as before: Councillor Wells – Community Services; Councillor Moores – Operational Services; Councillor Wise – Financial Services; and Councillor Bruce – Business, Corporate and Regulatory Services.

61. REVIEW OF EAST KENT ARRANGEMENTS

It was NOTED that the words, "paragraph 8.2 below", at paragraph 9.1 of the report should read, "paragraph 9.2 below".

It was proposed by Councillor Fenner, seconded by Councillor Johnston and **RESOLVED** that the recommendations as set out at paragraph 9.0 of the report be adopted, namely:

1. That the East Kent Joint Arrangements Committee and the East Kent Joint Scrutiny Committee be dissolved with effect from the date of the establishment of the Committee referred to in paragraph 2 below.
2. That operating arrangements for a Committee relating to functions shared by Canterbury City Council, Dover District Council and Thanet District Council ('the Continuing Councils') be drafted by the respective Heads of Legal and be submitted to the Continuing Councils for approval with scrutiny being undertaken

by the scrutiny committees of the Continuing Councils. Kent County Council and Shepway District Council are to be notified of the date of establishment of the new Committee.

3. That all agreements or arrangements which may need to remain in effect after the dissolution of the East Kent Joint Arrangements Committee be reviewed by the Heads of Legal of all the Participating Councils and they be delegated the power by their respective Councils that if relevant to them they agree the continuation of those matters in such forms as they think appropriate.

62. APPOINTMENTS TO COMMITTEES, PANELS AND BOARDS

It was NOTED there was no longer a need for a report for this item.

(a) **Appointment of Thanet Association of Local Councils' representative on the Joint Transportation Board**

The Chairman took the opportunity to announce that Councillor Sheila Bransfield had been re-appointed as the Thanet Association of Local Councils' representative on the Joint Transportation Board.

63. COUNCIL TAX BENEFIT LOCALISATION

It was proposed by Councillor Everitt, seconded by Councillor Hart and **RESOLVED:**

“That Council adopts the “East Kent Council Tax Reduction Scheme”, as proposed in the consultation exercise and set out as Option 2 in the report”.

64. FEES AND CHARGES FOR 2013/14

It was NOTED that the schedule of current car park charges (circulated to Members immediately prior to the meeting, and published on the Council website) replaced the section on car park charges included in Annex 1 to the report.

It was proposed by Councillor Everitt, seconded by Councillor Poole and **RESOLVED:**

“That, subject to the section on car parking charges being replaced with the schedule referred to above, Council approves the Fees and Charges for 2013/14 as set out in Annex 1 to the report.”

65. DELEGATION OF APPROVAL OF COUNCIL TAX BASE 2013/14

It was proposed by Councillor Everitt, seconded by Councillor Hart and **RESOLVED:**

1. That Council agrees to delegate the approval of the Council Tax Base to the S.151 Officer in consultation with the Leader and the Cabinet Member for Financial Services;
2. That Council agrees to delegate approval of the NNDR1 form to the S.151 Officer in consultation with the Leader and the Cabinet Member for Financial Services.

(a) **The Local Authorities (Calculation of Council Tax Base) (England) Regulations 2012**

Councillor Everitt referred to the impact on precepting authorities of the above regulations, which came into force on 26 November 2012, and it was NOTED that the matter would be considered at the next Parish Forum meeting, to be held on 19 December 2012.

In response to a query from Councillor Ezekiel, the Chief Executive stated that the Margate Charter Trustees would be included in invitations to all future Parish Forum meetings.

66. THE DETERMINATION OF THE GAMBLING POLICY STATEMENT FOR THE NEXT THREE YEARS

It was proposed by Councillor Fenner, seconded by Councillor Poole and **RESOLVED**:

“That Council adopts the Statement of Gambling Policy”.

67. THE LOCAL AUTHORITIES (EXECUTIVE ARRANGEMENTS) (MEETINGS AND ACCESS TO INFORMATION) (ENGLAND) REGULATIONS 2012

It was proposed by the Chairman, seconded by the Vice-Chairman and **RESOLVED** that the recommendations as set out at Paragraph 22 of the report be adopted, namely:

1. That the Council publishes a document as outlined at paragraph 3.1 of the report and as amended in paragraph 3.13 of the report;
2. That the document will show future key decisions for a one-year period;
3. That the document will be published exactly 28 clear days in advance of scheduled Cabinet meetings;
4. That the document should contain non-key as well as key decisions;
5. That the document will be titled, “The Forward Plan and Exempt Cabinet Report List”
6. That the statement that needs to be produced giving 28 days’ notice of confidential items being discussed at Cabinet is added to the “Forward Plan and Exempt Cabinet Report List”;
7. That the Leader delegates power to the Monitoring Officer, in consultation with the Leader, to decide on a response to any representations received regarding why a report should not be considered in private, based on the information as captured in the report;
8. That the timescales for allowing representations as outlined in paragraph 5.6 of the report are agreed;
9. That the Council amends its new exemption and special urgency procedures, as outlined in Section 6 of the report, and that Council remains updated on the number of decisions made under the special urgency provisions on a quarterly basis;
10. That when a refusal to a request for a document from a member of the Overview and Scrutiny Panel takes place, the Cabinet Leader in conjunction with the Monitoring Officer will write to all of the Members of the Overview and Scrutiny Panel;
11. That the Head of Paid Service grants dispensations to Executive Members in consultation with the Council’s Monitoring Officer;
12. That the Council’s constitution is amended to give the Overview and Scrutiny Panel the power to require the Cabinet to submit a report to Council when a non-

key decision has been taken that the Panel feels should have been a key decision;

13. That the Council's constitution be amended as at Annex 3 to the report to reflect the above changes.

68. USE OF MOBILE TELEPHONES DURING PUBLIC MEETINGS

The Chairman proposed, and the Vice-Chairman seconded, that the recommendations from the Standards Committee, as set out at paragraphs 5.1 to 5.4 of the report be adopted.

Councillor W Scobie proposed, and Councillor Harrison seconded, an **amendment** as follows:

- 1) That paragraph 5.1 of the report be replaced with - "That Council Members, Officers and journalists must ensure that their mobile communications devices are switched to silent during all public meetings";
- 2) That paragraph 5.2 of the report be replaced with - "That no_audio or visual recording shall be made at meetings except for official recordings by the clerk or recordings agreed by the Chairman to be made by accredited media organisations";
- 3) That paragraph 5.3 of the report be replaced with - "That members of the public must switch their mobile communications devices to silent during all public meetings";
- 4) That a paragraph 5.5 be added to state that - "That Officers be delegated to bring back to Council a social media policy to encourage people to engage with Council proceedings and promote openness";

The **amendment**, upon being put to the vote, was declared CARRIED.

Adoption of Substantive Motion:

The substantive motion was put to the vote, whereupon it was **RESOLVED:**

1. That Council Members, Officers and accredited journalists must ensure that their mobile communications devices are switched to silent during all public meetings;
2. That no audio or visual recording shall be made at meetings except for official recordings by the clerk or recordings agreed by the Chairman to be made by accredited media organisations;
3. That members of the public must switch their mobile communication devices to silent during all public meetings;
4. That the Council's Constitution be amended to reflect any decision taken by Council at this meeting.
5. That Officers be delegated to bring back to Council a social media policy to encourage people to engage with Council proceedings and promote openness.

69. APPOINTMENT OF INDEPENDENT PERSONS OF THE STANDARDS COMMITTEE

It was proposed by the Chairman, seconded by the Vice-Chairman and **RESOLVED** that the recommendation as set out at paragraph 7.1 of the report be adopted, namely:

"That Council notes the recommendation of the Standards Appointments Working Party and appoints both Mr Dennis James and Mr Peter Tucker as Independent Persons of the Standards Committee for a term starting from the date of this meeting and ending on 21 May 2015".

70. MEMBERS' ALLOWANCES SCHEME 2012/13 - INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE / INDEPENDENT PERSON

It was NOTED that "2012/12" in paragraphs 7.1 and 7.2 of the report should read, "2012/13".

It was proposed by the Chairman, seconded by the Vice-Chairman and **RESOLVED** that the recommendations as set out at paragraphs 7.1 to 7.3 of the report be adopted, namely:

1. That the 2012/13 Scheme of Allowances be amended to introduce Special Responsibility Allowances for the office holders named in paragraph 2.1 of the officer's report at the annual amounts set out therein;
2. That the proposed amendments to the 2012/13 Scheme of Allowances be considered by the East Kent Joint Independent Remuneration Panel prior to implementation;
3. That Council considers the recommendations of the East Kent Joint Independent Remuneration Panel at the next meeting of Council and back dates any allowances to the date of appointment of the respective officer holders.

Meeting concluded : 9.12 pm