

COUNCIL

Minutes of the meeting held on 27 February 2014 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

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

85. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Driver & Gibson.

86. MINUTES OF PREVIOUS MEETING

On the proposal of the Chairman, seconded by the Vice-Chairman, the minutes of the meeting of Council held on 6 February 2014 were approved by Council and signed by the Chairman.

87. ANNOUNCEMENTS

(a) Death of Former Councillor Eric Easton

The Chairman announced that former Conservative Eric Easton had recently passed away. Members joined her in expressing sympathy to the late Mr Easton's family and stood for a minute's silence as a mark of respect.

(b) Marriage of Councillor William Scobie and Councillor Jodie Hibbert

Members congratulated Councillors William and Jodie Scobie on their recent marriage.

88. DECLARATION OF INTERESTS

Councillor Dwyer made the declaration required by Section 112(2) of the Local Government Finance Act 1992. (Minute No. 95 below refers)

In relation to Agenda Item No. 8b (Minute No. 92b refers), Councillor S Hart notified Council that she owned a business in Northdown Street, Cliftonville. On the basis that the responsibility for designating a conservation area lay with the executive, the Monitoring Officer advised Councillor Hart that she could participate in discussion and vote on any motion in relation to this agenda item at this meeting.

89. PETITIONS FROM THE PUBLIC

(a) Petition - Play Area at the Broadstairs Memorial Recreation Ground

Ms Kate Merriman presented a petition, containing 1760 signatures, on behalf of "Revive our Rec Campaign", requesting the Council to undertake major improvements to the Play Area at the Broadstairs Memorial Recreation Ground for the following reasons:

- a) "It is currently in a pitiful state
- b) "The children and visitors of Broadstairs deserve an updated play area like the rest of Thanet have received;
- c) "Its position is in a lovely green space, central to many homes, schools, the library and the station;
- d) "There is poor access for wheelchair and buggy users
- e) "The playground needs to become a safe, dog-free area with equipment for children of all ages and abilities."

In her representations, Ms Merriman also stated that:

- The only other play area in Broadstairs, which was located at Pierremont Park, was outdated and unsafe for young children, as it had many paths leading onto High Street and Queen's Road.
- At the Memorial playground, there had been many incidents involving dogs.
- The land had been donated to the Council by Dan Mason in 1922, specifically for the enjoyment of the youth of Broadstairs.

Councillor Johnston, as relevant Portfolio Holder, requested that the petition be referred to Cabinet without debate and, in response to a query from Councillor Bayford, gave a commitment, on behalf of Cabinet, to try to resolve the situation referred to in the petition.

It was thereupon RESOLVED:

"THAT the petition be referred to Cabinet for determination or report".

90. QUESTIONS FROM THE PRESS AND PUBLIC

(a) Question relating to Broadstairs Folk Week

Mr Duncan asked Councillor Johnston the following question:

"During the evening events at Broadstairs Folk Week, will there be a ban on glass bottles, are the emergency services going to respond in a similar manner to last year and what steps will be taken to ensure public safety?"

"Thank you very much Mr Smithson. I know you are very interested in the promotion of tourism and I note you have a strong interest in Broadstairs Folk Week. Unfortunately, you weren't able to attend the Neighbourhood Engagement meeting we had in Broadstairs on 10th September last year when there was a full report by Janice Wason, our officer, and we met with many councillors from your area of Broadstairs to receive an update from the previous folk week, which was very successful.

"However, the question is about bottles and I wish there was a way of banning bottles at events. Councillor Sullivan, his wife and I spent two days clearing up bottles after a weekend event in Margate and it was a shame to see these bottles going into bins and not recycled so I have spoken to Mark Seed about recycling bottles. However, the problem we have here is the wide area of the Folk Week coverage and I don't think that we can stop people bringing bottles in, frisking them on the way into and out of town. What we can do, under the licencing laws, is to encourage and force some businesses to make sure that people just have the plastic containers to bring their drinks out of pubs, but we cannot at this moment.

"We have our Safety Advisory Group (SAG) and the next meeting is on the 22nd April when the Folk Week will be on the agenda; this will be a meeting of the police and fire service and our officers, going right through the whole procedure of the highways issues to make sure that the event this year is as safe as last year's. I can't commit any more to that until after the SAG meeting, but what I have promised is a meeting similar to last

year's meeting with Broadstairs Town Councillors to discuss the whole issue of Folk Week and safety.

"There was a lot of pressure on me to cancel the event last year, not from Members, but from some members of the public who thought it shouldn't happen, but I refused to do so. I was grateful for the cross-party support that it should happen and we worked very hard to make it a safe event, which it was, apart from one or two minor incidents that I know about that were not serious but we learn from those. So I promise Mr Smithson that I will do all in my power but under licensing I don't think we can bring in a blanket ban on glass bottles for the whole of Broadstairs for the whole week."

91. QUESTIONS FROM MEMBERS OF THE COUNCIL

(a) Question No. 1 - Cliftonville Housing Intervention Programme

Councillor Bayford put the following question to the Leader of Council:

"At a recent Member's Briefing, officers gave members information on TDC's involvement in the Margate and Cliftonville Housing Intervention Programme. Would the Leader update members on the contribution being made by KCC and the HCA to this important scheme?"

The Leader of Council responded:

"To date, Kent County Council has acquired five properties at a total cost of £2.5m, including refurbishment. These are Hotel Leslie and properties located in Dalby Square, Edgar Road and North Road. Kent County Council is currently assessing a further three larger sites at an acquisition and development cost of over £5m.

"The Homes and Communities Agency (HCA)'s initial contribution of £500,000 was towards the purchase of The Embassy and Hotel Leslie. The HCA has also facilitated the funding of the cluster programme of £4.1m being delivered by Thanet District Council."

Supplementary Question

Councillor Bayford then asked a supplementary question:

"In the process of regenerating the area and upgrading housing, people are potentially going to be displaced. This will include some of the most vulnerable people in our society and, as an example of the potential problem, I would cite the recent refurbishment to properties which took place in what previously was forty HMO units. What is the Council doing to help those who will be displaced and how are we going to ensure that if Cliftonville is upgraded, the problems don't just go elsewhere?"

The Leader replied:

"As I understand it, we are dealing with empty properties."

(b) Question No. 2 - Chief Executive and S.151 Officer Role

It was NOTED that Councillor Driver had withdrawn his question.

92. NOTICES OF MOTIONS

(a) Notice of Motion - Article 4 Direction

It was proposed by Councillor Wiltshire, and seconded by Councillor King:

“THAT This Council calls upon the cabinet to review the operation of the Article 4 direction as used within the planning department of Thanet District Council. To residents of St Peter’s ward, it is quite clear that the Article 4 direction powers are not properly applied; lack coherence and application on the ground; and are not being used in the way other councils apply them to the advantage of residents who need family homes rather than back door entry points for HMO’s, which change the character and nature of the area.”

It was AGREED that the motion be not debated. Thereupon, the motion was referred to Cabinet for determination or report.

(b) **Notice of Motion No. 2 - Designation of Conservation Area, Cliftonville**

It was proposed by Councillor Marson and seconded by Councillor Wise:

“THAT Council calls upon the Cabinet immediately to initiate the process of designating the area of Cliftonville highlighted in the accompanying plan, and listed below, as a conservation area to ensure that the architecture and quality of housing in these areas is protected for generations to come:

- Northdown Road
- Eastern Esplanade area
- Ethelbert Road-Athelstan Road area
- Edgar Road-Sweyn Road area
- Grotto Gardens-Clifton Place area
- Norfolk Road-Warwick Road-Surrey Road area
- Streets adjoining the above”

On the proposal of the Leader, Councillor Hart, seconded by Councillor Bayford, it was AGREED that the motion be debated.

Differences of opinion were expressed as to the merits of having a blanket designation affecting the whole of the Cliftonville West area and as to the merits of proceeding in an area by area, consecutive basis, in line with appraisals already undertaken.

Amendment

An amendment was proposed by Councillor D Green, seconded by the Leader, Councillor Hart:

“THAT Council calls upon the Cabinet to consult on the process of designating further conservation areas in Cliftonville, with reference to the appraisals undertaken by the Council to ensure that the architecture and quality of housing in these areas is protected for generations to come”.

Councillor D Green handed to all members a plan showing the areas referred to in the amendment (now published on the Council’s website as a meeting document).

The amendment was, following debate and being voted upon, declared CARRIED.

Substantive Motion

Upon the substantive motion:

“THAT Council calls upon the Cabinet to consult on the process of designating further conservation areas in Cliftonville, with reference to the appraisals undertaken by the

Council to ensure that the architecture and quality of housing in these areas is protected for generations to come”,

being put to the vote, it was declared CARRIED.

The motion was consequently referred to Cabinet for determination and report.

(c) **Notice of Motion No. 3 - Introduction of a local levy**

It was proposed by Councillor King and seconded by Councillor Grove:

“That council request cabinet to support a proposal under the Sustainable Communities Act – ‘That the Secretary of State:-

- A. Give local authorities the power to introduce a local levy of up to 8.5 of the rate on large supermarkets or large retail outlets in this area with an annual rateable value not less than 500,000; and
- B. Requires that the new revenue from this levy be retained by the local authority in order to improve local communities in the areas promoting local economic activity, local services and facilities, social and community wellbeing and environmental protection.”

It was agreed that the motion be not debated. Consequently, the motion was referred to Cabinet for determination or report.

93. LEADER'S REPORT

Councillor Fenner, as Cabinet Member for Business, Corporate and Regulatory Services, reported that the High Court had, that day, ruled that the Council did not have the power to impose a ban on the exporting of live animals from Ramsgate Port. She added that, as part of the ruling, the Council would be liable to pay compensation to the exporters to cover loss of income during the five-week ban.

Councillor Fenner pointed out that the Council had always regarded the live animal export trade as morally wrong, but, at the same time, wanted to work within the legal framework.

She then referred to the circumstances leading to the decision to impose a temporary suspension in September 2012 and stated that that decision had been supported by legal advice received from leading lawyers. Options for appeal would now be considered.

The Leader of Council reported that the Council had voluntarily entered into a Peer Review process in partnership with the Local Government Association.

He stated that the purpose of this Review, which would focus on economic development, customer services approach, the local context and priority setting, financial planning, organisational capital, political and managerial leadership, governance and decision-making, was to help identify the Council's strengths, highlight areas for improvement and inform future plans.

The Leader said that he hoped that all those participating in the Review would be as open and transparent as possible and that, as a result, the “harsh historical public perception of the Council” could be buried and the Council could move forward stronger than ever.

As Leader of the Conservative Political Group, Councillor Bayford commented that he, too, hoped that those taking part in the Peer Review would be truthful and that the Review would help improve matters for the Council.

Turning to the matter of the High Court ruling, Councillor Bayford stated that, whilst he abhorred the nature of the live animal export trade, which had resumed at Ramsgate whilst he was Leader of the Council, he had believed that the Council could not place taxpayers' money at risk.

In response, the Leader of the Council stated that the decision to ban the export of live animals had been taken in the interests of animal welfare and to protect Council staff working at the Port.

As Leader of the Independent Political Group, Councillor King said that he appreciated that the decision by the Leader of the Council in relation to the suspension of the live animal export trade had been a difficult one to take.

The Leader of the Council responded by stating that it had been "Animal Health" who had taken the decision to unload animals at the port and that the decision to ban the trade had been in the interests of animals and staff.

Councillor Cohen, as Leader of the Thanet Independent Group, stated that action had to be taken in view of the terrible circumstances that had arisen at the Port.

The Leader of the Council said that he endorsed Councillor Cohen's comments.

Councillor Wiltshire, as Leader of the UKIP Political Group, referred to the low public perception of the Council and expressed regret that Council had agreed not to debate the motion on the Article 4 Direction earlier in this meeting, as residents had been in attendance to hear what was being discussed.

In responding, the Leader of the Council referred to the interim approach on Houses in Multiple Occupation that had been adopted at the last meeting of the Planning Committee, pending finalisation of the Local Plan.

94. PROPOSAL TO AMEND THE DESIGNATION OF THE TWO STATUTORY POSTS OF CHIEF FINANCIAL OFFICER AND MONITORING OFFICER

It was proposed by Councillor Fenner, seconded by the Leader, Councillor C Hart and RESOLVED:

"THAT the recommendations as set out at paragraph 6.1 of the report be adopted, namely:

1. That Council approves the designation of the statutory post of Chief Financial Officer to the Director of Corporate Resources;
2. That Council approves the designation of the statutory post of Monitoring Officer to the Legal Services Manager.

95. COUNCIL TAX RESOLUTION 2014/15

(Councillor Dwyer left the meeting for the duration of this item)

It was AGREED not to take a recorded vote on the decision on this item, pending inclusion in the Council's Standing Orders of provisions requiring recorded votes on

budget decisions by virtue of the Local Authorities (Standing Orders) (England) (Amendment) Regulations 2014.

It was proposed by Councillor Everitt, seconded by the Leader, Councillor C Hart, and RESOLVED:

“THAT the recommendations as set out at paragraph 5 of the report be adopted, namely:

1. That Council approves the calculations at paragraph 1 of the report:
2. That Council approves the Council Tax annual charges as set out below for the listed property bands:

Council Tax per property band for 2014/15								
Band	A	B	C	D	E	F	G	H
Proportion of Band D	6/9	7/9	8/9	1	11/9	13/9	15/9	18/9
Annual Charge	£139.98	£163.31	£186.64	£209.97	£256.63	£303.29	£349.95	£419.94

96. TENANCY STRATEGY

It was proposed by Councillor D Green and seconded by the Leader, Councillor C Hart:

“THAT the recommendations as set out at paragraph 5 of the report be adopted, namely:

1. That Council adopts the Tenancy Strategy;
2. That Council publishes the Tenancy Strategy on its website.”

97. APPOINTMENT OF INDEPENDENT MEMBERS OF THE STANDARDS COMMITTEE

It was proposed by Councillor Johnston, seconded by the Chairman and RESOLVED:

“THAT the recommendations as set out in the Members’ Notes (*circulated prior to the meeting*) be adopted, namely:

1. That the following candidates be appointed as Independent Members of the Standards Committee with a term of office starting from the date of this meeting until the conclusion of the Annual Council Meeting in May 2015:
 - Mrs Janet Bacon
 - Dr Jonathan Sexton
 - Mr Alan Hibbs.
2. That Dr Jonathan Sexton be appointed as Independent Chairman of the Standards Committee and that Mrs Janet Bacon be appointed as Independent Vice-Chairman of the Standards Committee.

98. APPOINTMENT OF SUBSTITUTE MEMBERS OF THE GOVERNANCE & AUDIT COMMITTEE

Councillor C Hart, Leader of the Labour Political Group nominated the following Members as substitutes for the Governance and Audit Committee:

- Councillor E Green
- Councillor Matterface
- Councillor Dwyer
- Councillor H Scobie

Councillor Bayford, as Leader of the Conservative Political Group, nominated:

- Councillor M Tomlinson
- Councillor K Gregory
- Councillor M Saunders
- Councillor Wells

Councillor Cohen, as Leader of the Thanet Independent Group, nominated himself.

On the proposal of the Chairman, seconded by the Vice-Chairman, it was RESOLVED:

“THAT those nominations be formally approved”

99. PUBLICATION OF PAY POLICY STATEMENT - FINANCIAL YEAR 2014/15

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

“THAT Council approves the Pay Policy Statement for 2014/15, as set out in Annex 1 to the report, after which it will be published.”

100. REPRESENTATION ON RAMSGATE CHARITIES

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

“THAT Council agrees the appointment of Mrs E H Wood as a representative Trustee of Ramsgate Charities with a term of office starting on 1 December 2013 and expiring on 1 December 2017”.

101. REPORTS BACK TO COUNCIL ON PETITIONS

(a) **Petition relating to Rubbish on land, Margate Road, Ramsgate**

The report was NOTED

(b) **Petition relating to Former Swimming Pool Site, Ramsgate**

The report was NOTED.

102. CHANGES TO POLLING STATIONS FOR MAY 2014 EUROPEAN PARLIAMENTARY ELECTION

It was proposed by Councillor Fenner and seconded by the Leader, Councillor Hart:

“THAT the list of proposed polling places is agreed, subject to the Sir Moses Montefiore (West Dampton) polling place being changed to:

- i. Newlands Primary School, Dumpton Lane, Ramsgate, subject to its availability and that the polling place meets the requirements for polling places as set out in the Electoral Commission's evaluation checklist; or
- ii. If Newlands Primary School Dumpton Lane, Ramsgate is not available or does not meet the requirements for polling places as set out in the Electoral Commission's evaluation checklist, then the polling place is to be land at or near to West Dumpton Lane, Ramsgate, where a portakabin will be sited."

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

103. REPORT ON URGENT DECISION, NOT SUBJECT TO CALL-IN - PURCHASE OF LAND AT 131-141, KING STREET, RAMSGATE

The report was NOTED.

Meeting concluded : 9.53 pm