

## COUNCIL

### Minutes of the meeting held on 2 October 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), Aldred, Alexandrou, Bayford, Binks, Bruce, Campbell, Clark, Cohen, Coleman-Cooke, Day, Duncan, Dwyer, Edwards, Everitt, Fenner, D Green, E Green, I Gregory, K Gregory, Grove, Harrison, C Hart, S Hart, Hayton, Huxley, Johnston, King, Lodge-Pritchard, Marson, Matterface, Moore, Moores, Nicholson, Poole, D Saunders, M Saunders, Savage, W Scobie, M Tomlinson, S Tomlinson, Watkins, Wells, Wiltshire, Wise, Worrow and Wright

#### 158. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Driver, Gibson, Gideon, Hornus, Kirby, Roberts and J Scobie.

#### 159. MINUTES OF PREVIOUS MEETING

An amendment was noted as follows:

Insert the following wording before text at Minute No. 138A (Page 1 of Minutes) relating to the petition on the compulsory purchase of Manston Kent's International Airport:

"Council agreed to suspend, for the duration of this item, the rule in the petitions scheme that requires a petition with 1,000 or more signatures to be submitted at least 25 working days in advance of a Council meeting".

On the proposal of the Chairman, seconded by the Vice-Chairman, the minutes of the meeting of Council held on 10 July 2014 were, subject to that amendment, approved by Council and signed by the Chairman.

#### 160. DECLARATION OF INTERESTS

There were no declarations of interests.

#### 161. ANNOUNCEMENTS

##### (a) Changes to Shadow Cabinet

It was NOTED from Councillor Bayford that the new Shadow Cabinet comprises:

Councillor Bayford	Shadow Leader of the Council and Shadow Cabinet Member for Strategic Economic Development Services
Councillor Marson	Deputy Shadow Leader of the Council and Shadow Cabinet Member for Community Services
Councillor Binks	Shadow Cabinet Member for Financial Services and Estates
Councillor D Saunders	Shadow Cabinet Member for Housing and Planning Services
Councillor S Tomlinson	Shadow Cabinet Member for Operational Services

Councillor Bruce

Shadow Cabinet Member for Business and Corporate Resources

**162. PETITIONS FROM THE PUBLIC**

It was NOTED that no petitions had been received from the public in accordance with the Council's Petitions Scheme.

**163. QUESTIONS FROM THE PRESS AND PUBLIC****(a) Question No. 1 - Dickens House Museum**

Mr Jeff Kirkpatrick advised Council that he was withdrawing his question.

**164. QUESTIONS FROM MEMBERS OF THE COUNCIL**

It was NOTED that no questions had been received from Members of the Council in accordance with Council Procedure Rule 14.

**165. MOTIONS ON NOTICE****(a) Notice of Motion No. 1 - MS Society's Treat Me Right Campaign**

It was proposed by Councillor King, seconded by Councillor Johnston and RESOLVED:

"THAT Thanet Council supports the Multiple Sclerosis Society's TREAT ME RIGHT Campaign, which calls for licensed treatments for Multiple Sclerosis to be available on the NHS to everyone who needs them and are eligible and in doing so calls on the National Institute for Health and Care Excellence to conduct a full technological appraisal of the medicine Sativex".

**166. LEADER'S REPORT**

The Leader provided a verbal update in relation to the following issues.

**Street Lighting** (motion on notice from Councillor Everitt): This issue had been raised at neighbourhood engagement meetings and with the police and Police & Crime Commissioner. Police would report on any increase in accidents or burglaries and Mr David Brazier, Cabinet Member for Environment & Transport, Kent County Council had been informed of Members' concerns. **Smear Testing for women aged 16 years and over** (motion on notice from Councillor King): A letter has been sent to The Rt Hon Jeremy Hunt MP, Secretary of State for Health and the Chairman of the Thanet Health & Wellbeing Board had suggested other parties whom the Leader could contact. **Tax Dodging Campaign:** The Leader had written to campaigners, who might request a motion to Council. **Pleasurama site, Ramsgate:** A report would be brought to a meeting Cabinet on 16 October 2014, which legal advisers had been asked to attend. **Pavilion:** Councillor Everitt and officers were continuing to progress this issue. **Manston Airport:** A "No to Housing" petition had been presented to the Leader immediately prior to the meeting. A CPO 'back to back' investor update and responses to market testing would be brought to Cabinet on 16 October 2014. The new owners of the site had met with group leaders that day. **Dreamland:** Work had started on the scenic railway. A final decision on an operator was pending. Rides at Wakefield had recently been shown on TV and Dreamland Expo had attracted thousands of visitors. **Southern Water:** had been made aware of Council's concerns regarding water quality. A further meeting on site would take place in November 2014. **Dolphin Lights:** Officers were investigating the fault. **Conservation Areas and Groups:** Following consultation on Cliftonville, a report would go to Cabinet. Meetings and walkabouts had been held with Eastcliff and Westcliff Conservation Groups, and

improvements to gardens were ongoing. **Town Matters:** Councillor D Green was liaising with Town Teams and regular meetings and walkabouts were taking place in the three main towns. **Fair Trade Event and Anti-poverty:** A fair trade event would take place on 12 October. Officers continued to assist individuals with benefit problems and there were monthly updates on the use of food banks. **Events:** held throughout Thanet had been very successful, thanks to Members, Town and Parish Councils and, particularly, volunteers. **Annual Governance:** Internal audit had noted improved Member relations and general satisfaction in running of Council. The Improvement Board's list of priorities included better communication at all levels. **Lido Cliftonville:** There were plans to develop a Sea Life. **Local Plan:** Public consultation should take place in January 2015. **Animal Welfare and transportation:** Unfortunately, this trade continued. Road worthiness of vehicles and safety of staff were still matters of concern. **Port and Harbour:** The Masterplan had now been presented. There had been requests to take "boats" as tourist attractions and the search for a ferry was ongoing. As Risk Champion, Councillor E Green was addressing safety issues. **Public Realm:** During a recent visit the Leader had been impressed with staff in the waste collection team. Councillor D Green was leading on Ramsgate enhancement projects. Cabinet has agreed that Vattenfall funding should be shared with Cliffsend play area. **Court House, Margate:** The poor state of the frontage had been reported to the Ministry for Justice. **BT Telephone boxes and Sport and Leisure); Social Housing:** The waiting list had been reduced to 1,600. Liaison was taking place with Army Covenant Groups. **Youth Action Group:** An excellent meeting had been held at the Quarterdeck. **Health and Wellbeing:** £3m had been won by Social Enterprise for "Ageing Better". **Play Areas:** Public consultation had been carried out in respect of various play areas. Procurement was on target and ROSPA reports updated. **Skateparks:** Warre Rec and Broadstairs Memorial were ready for building. Oasis Cliftonville campaigners were in discussion with officers. **Community Groups:** Meetings were taking place. **Finance:** Reports were circulated regularly. **Margate Taskforce and Community Safety:** Discussions were ongoing on the possibility of expanding the Task Force to include other areas. **Licensing:** The Leader would be meeting with taxi drivers regarding some of her concerns.

Councillor Bayford, Leader of the Conservative Political Group then made comments and asked questions in relation to: (1) **Pleasurama:** Members who had attended the recent extraordinary meeting of the Overview and Scrutiny Panel had been disappointed that they had not had access to the legal and valuation advice on which the decisions of Cabinet were being made. It appeared that decisions were being rushed through without due consideration of all available options. (2) **Pavilion:** At exactly what stage were we? (3) **Manston Airport:** The Leader had been inclusive regarding the meetings with RiverOak and the new owners. However, it seemed that mixed messages were being sent out in that the possibility of a CPO was being pursued at the same time as discussions with the new owners, whose propositions did not seem to fit in with the Local Plan. (4) **Dreamland:** Could the position on undergoing a further procurement process be clarified? (5) **Southern Water:** It was disappointing that Southern Water's testing of water safety seemed to be restricted to an inspection of debris along the foreshore. (6) **Local Plan:** What were the Leader's views on how we should treat the Airport site, as it was currently included in the Local Plan as an airport? (7) **Live Animal Exports:** What was the cost to the Council of legal action taken in relation to the temporary suspension of trade? (9) **Finance:** What were the main drivers behind the budget process and the main principles behind the budget build? (10) **Margate Task Force:** How was its success measured? (11) **Safeguarding of children:** Was our level of vigilance considered sufficient?

Councillor Bayford asked the Leader of Council to respond in writing to any questions and comments that could not be responded to at the meeting.

The Leader responded by stating that the new owners of the **Manston Airport** site had requested to meet with her, and that she had decided to include all Group Leaders in that meeting, as she had done in the case of the meeting with RiverOak. **Southern Water:** Concerns about the inspection of debris along the beach had been raised with Southern

Water. **Safeguarding of Children:** Discussions were taking place with various people and organisations, including the police, Margate Task Force, GPs and the Health & Wellbeing Board. **Finance:** All portfolio budgets would be looked at, in anticipation of cuts in government grants. **Pleasurama:** The legal advisors had been invited to the extraordinary meeting of Cabinet on 16 October.

As Leader of the Independent Political Group, Councillor King clarified that the **Smear Testing** campaign was to enable 16 year-old (and over) women to have a choice to have a smear test. He enquired as to what other parties the Health & Wellbeing Board had suggested the Leader should contact regarding this issue. He suggested that the position on **telephone boxes** should be reviewed with **BT** as they were no longer being used properly and that “glass bubbles” should be installed instead. He felt that the **Vattenfall** funding should be shared across the whole district and that more information should be publicised on the Council’s website in relation to where **food banks** were located. He enquired as to the reference in the written report previously circulated that officers have been asked to check that “all drivers are entitled to carry passengers”. In relation to **Health and Wellbeing**, he asked if the Leader was happy with the outcome concerning the Care Home that had recently been investigated.

The Leader of the Council responded by stating that she and Councillor King had done as much as they could in relation to the Care Home issue referred to. She would be meeting again with the family concerned. She had hoped that the **Vattenfall** money could have been shared across all areas, but it had to be earmarked to the areas most affected by the project. She clarified that she had asked officers to check that all **taxi drivers** operating late at night were licensed. She, too, would like the **telephone boxes** replaced with “glass bubbles”.

Councillor Cohen, as Leader of the Thanet Independent Political Group, said that he hoped that a satisfactory compromise could be reached in relation to **street lighting**. He suggested that a few of the **BT telephone boxes** were of value; however most of them were an eyesore. He said that the engagement taking place in relation to the play areas consultation and Manston Airport was commendable.

The Leader of the Council stated that public consultation was necessary in relation to removal of red **telephone boxes**.

As Leader of the UKIP Political Group, Councillor Wiltshire stated that she supported a CPO of the **Manston Airport** site and welcomed the proposed Sea Life at **Lido**. She was disappointed that the Overview & Scrutiny Panel had not appeared to have been consulted properly in relation to **Pleasurama**. She concluded by thanking the Leader of Council for her inclusion of other Group Leaders in the meetings with RiverOak, Discovery Park and the Government Minister, Grant Shapps.

The Leader of the Council responded by referring to the need to have a back to back agreement in place before a CPO could be made in relation to the **Manston Airport** site. She pointed out that the legal advisors on the **Pleasurama site** had been invited to the Cabinet meeting on 16 October 2014.

#### **167. ANNUAL TREASURY MANAGEMENT REVIEW 2013/14**

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

“THAT the recommendations at paragraph 15.1 of the report be adopted, namely:

1. That council approves the actual 2013/14 prudential and treasury indicators in this report;

2. That Council approves the annual treasury management report for 2013/14.

**168. CREDIT METHODOLOGY CHANGES**

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

“THAT the recommendation as set out at paragraph 6.1 of the report be adopted, namely:

‘That Council approves option 3.1:

*That (i) minimum credit ratings criteria for Viability, Financial Strength and Support no longer be included in the Council’s TMSS, and accordingly that (ii) the Council’s TMSS be amended as per the relevant extract (section 4.2) shown in Annex 1. There will be one Medium quality category, instead of two, with a money limit of £5m.”*

(in line with Capita’s new rating assessment methodology).

**169. BUSINESS RATES POOLING**

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

“THAT the recommendation as set out at paragraph 8.1 of the report be adopted, namely:

‘That the Portfolio Holder for finance with the advice of the Director of Corporate Resources be authorised to determine membership of any business rates pool for 2015-2016’.

**170. APPOINTMENTS TO POOL OF PLANNING COMMITTEE RESERVES**

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

“THAT the following Members be appointed to the Pool of Planning Committee Reserves:

Councillors Campbell & H Scobie; and  
Councillor W Scobie - *to replace Councillor Nicholson*

**171. REPORT BACK TO COUNCIL - PETITION TO COUNCIL - MARGATE HARBOUR**

The Report was NOTED.

Councillor Harrison, Cabinet Member for Operational Services, stated that further options would be explored in relation to this issue.

**172. REPORT BACK TO COUNCIL - MOTION ON NOTICE AND PETITION, MANSTON INTERNATIONAL AIRPORT**

The report was NOTED.

**173. PROPOSED AMENDMENTS TO THE COUNCIL'S CONSTITUTION**

(a) **Changes to the filming protocol**

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

“THAT the recommendations as set out at paragraphs 8.1.1 to 8.1.6 and paragraph 8.2 of the report be adopted, namely:

8.1.1 The amended Filming and Recording of Council Meetings Media Protocol be approved subject to the addition of the information under the “if I am a Councillor, can I tweet and blog during Council meetings?” section of the “Open and Accountable Local Government – A guide for the press and public on attending and reporting meetings of local government” document.

8.1.2 Council Procedure Rules 30 and 35 are amended as follows:

**‘30.00 Application to Committees and Sub-Committees**

Unless otherwise stated in these Rules, all of the Council Rules of Procedure apply to meetings of full Council and Rules 2.4, 4, 7–11, 14, 16–28 (but not 22.2 or 27.1) and Rules 30, ~~and 34 and 35~~ apply to meetings of Committees and Sub-Committees. None of the Rules apply to meetings of the Cabinet except for Rules 24, ~~27.3 - 27.5, 28, and 34 and 35~~

**‘35.0 Audio and Visual recordings of Council Meetings**

35.1 ~~No~~ Audio or visual recordings shall be ~~allowed made at meetings except for official recordings by the clerk or recordings agreed by the Chairman in advance~~ in accordance with the ‘Protocol for Filming and Recording of Council meetings’ which is included in Part 5 of this constitution.’

8.1.3 A review of how the new filming protocol has worked should be undertaken a year after the protocol has come in to effect.

8.1.4 A form of words be included in the amended filming protocol that would add the act of filming members of the public who had objected to being filmed to the list of disruptive behaviours.

8.1.5 In future the Council should film all council meetings.

8.1.6 Any consequential changes to the Council’s constitution needed as a result of these recommendations are made.

8.2 That reports on Members of the Public who are present at a Council meeting to speak appointing substitutes and the financial and technical implications of filming all Council meetings be presented to a future meeting of the Constitutional Review Working Party.”

An amendment was proposed by Councillor D Green and seconded by Councillor Johnston, as follows:

“THAT the recommendation at paragraph 8.1.5 be amended to read:

‘In future the Council should film all Council meetings, and that the technical and financial aspects of implementation are referred to Cabinet for their urgent attention’.”

During an ensuing debate, the importance of the council filming all meetings that the public could film was stressed and it was suggested that the ‘C’ in “Council meetings” at recommendation 8.1.5 should be a small “c” in order to clarify that all meetings, whether of Council, committees, sub-committees, panels, groups or working parties, were included.

It was also noted that recommendation 8.2 would, if adopted, require a report back to the Constitutional Review Working Party on the technical and financial aspects of implementation, so the proposed amendment would not be needed if Council did not agree recommendation 8.2.

It was RESOLVED:

“THAT the recommendations as referred to at paragraphs 8.1.2 to 8.1.6 be adopted subject to 8.1.5 reading,

‘In future the Council should film all council meetings’”.

(b) **Review of the Council's Petitions Scheme**

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

“THAT the recommendations as set out at paragraphs 81 (a) to 8.1 (f) of the report be adopted, namely:

- a) That paper petitions and Epetitions may be run concurrently providing that the petition prayers of the paper and Epetition were identical, that the end date of the Epetition and the date of submission of the paper petition were the same date and that the numbers signing the paper petition and Epetition were reported separately and not added together.
- b) That when a petition report is presented to Council or the Overview and Scrutiny Panel it should include the number of people who had signed the petition using a Thanet address and the number of people who had signed the petition using an outside of Thanet address.
- c) That a postal address be provided when signing an Epetition on the Council's website.
- d) That the existing deadlines for the submission of petitions should be retained as they are.
- e) That the minimum threshold for a petition to be valid did not need to be amended from its current level of 25 signatories.
- f) That the Council introduces the Petition proforma and places it on the Council's petition webpages.

(Councillor Bruce left at this stage of the meeting)

(c) **Reporting back to council on decisions made relating to petitions and motions on notice**

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

“THAT the recommendation as set out at paragraph 5.1 of the report be adopted, namely:

‘That the current practices relating to reporting back on decisions relating to petitions and motions on notice continue and no changes should be made’.”

(d) **Proposed Report from the Chairman of the Overview & Scrutiny Panel to Council**

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

“THAT the recommendation as set out at paragraph 4.1 of the report be adopted, namely:

‘That the amendments to the Council Procedure Rules, as outlined at Annex 1, be approved’.”

(e) **Gifts and Hospitality**

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

“THAT the recommendation as set out at paragraph 6.1 of the report be adopted, namely:

‘That the level at which Councillors declare any gift or hospitality or a series of gifts from the same donor should be reduced to £25’.”

(f) **Member attendance at General Purposes Committee when it sits as a Human Resources Committee**

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

“THAT the recommendation as set out at paragraph 6.1 of the report be adopted, namely:

‘That no changes be made to the rules regarding attendance at General Purposes meetings’

with the addition that it is referred back to officers for further review.”

(g) **Amendment to the Scheme of Officer Delegations**

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

“THAT the recommendation as set out at paragraph 6.1 of the report be adopted, namely:

‘That Option 2 is supported by Council;

Option 2 being:

To amend the Council’s constitution to ensure delegated authority has been assigned to the relevant officer to allow the investigation of any alleged offences under the Protection of Evictions Act 1977 with further consideration to be given to pursue a prosecution if appropriate.”

Wording to be inserted as follows:

*To implement and administer the provisions of the Protection from Eviction Act 1977 (as amended) including the conduct of all investigations and interviews under caution and prosecution where appropriate.*

Meeting concluded : 8.40 pm