

OVERVIEW AND SCRUTINY PANEL

Minutes of the meeting held on 13 January 2015 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Gideon (Chairman); Councillors Bayford, Campbell, Dwyer, Fenner, K Gregory, Huxley, King, Matterface, Moore, Poole, D Saunders, M Tomlinson and Worrow

In Attendance: Councillors: Johnston, D Green and E Green

441. APOLOGIES FOR ABSENCE

Apologies were received from the following Members:

Councillor Gibson;
Councillor I. Gregory, substituted by Councillor Bayford;
Councillor Hornus, substituted by Councillor Marson;
Councillor Driver, substituted by Councillor King.

442. DECLARATIONS OF INTEREST

Councillor Johnston, Leader of Council informed the meeting that she had in the past attended a Save The Manston Airport Group meeting at which she gave a donation of £20 to the Group. The Leader said that she had made similar declarations at Cabinet and Council meetings when this issue was discussed and that Mr Steven Boyle, Legal Services Manager & Monitoring Officer had on those occasions advised Members that it was his assessment that the Leader would not be required to avoid voting on the Manston Airport agenda item at these meeting.

Councillor Gideon reported to the meeting that her cousin worked as a spokesperson for Party A and that although this could be perceived as a potential conflict of interest she had little contact with her cousin. Councillor Gideon has no financial interest in the issue under discussion and she never discussed matters not in the public domain with her cousin. Cllr Gideon was advised by the Monitoring officer outside the meeting that based on the information provided this did not constitute a significant interest under the Council's Code of Conduct.

443. MINUTES OF PREVIOUS MEETING

Councillor Gideon said that she wanted the meeting to note that the comments attributed to Councillor Harrison that 'the Vattenfall Community Project Fund had not been utilised since 2009;' were factually inaccurate.

Councillor Campbell proposed, Councillor Dwyer-King seconded and Members agreed the minutes.

444. MINUTES OF EXTRAORDINARY MEETING

Councillor Campbell proposed, Councillor D. Saunders seconded and Members agreed the minutes.

445. CALL IN: CABINET DECISION OF 11 DECEMBER 2014: MANSTON AIRPORT

The Chairman said that the purpose of the call-in was to find out whether appropriate procedures were followed in arriving at that Cabinet decision. The cross-party call-in had

been prompted by some Members of the Panel who expressed some concerns regarding 'inadequate reasons' given for the decision made by Cabinet.

Paul Cook, Director of Corporate Resources & S151 officer set out the due diligence undertaken and the reasons behind the Cabinet decision on the matter. These were as follows:

1. Investment resources evidence was not demonstrated by Party A;
2. The email statement from Party A, which was provided to the Council from Party A's solicitors showed an investment amount set aside of \$1,6million and a separate \$400,000 set aside as a general line of credit that might be called on for this and other projects. Council viewed the \$1,6million as insufficient considering such factors as the value of land which would be involved in the CPO process;
3. Three years' financial accounts were not provided by Party A as requested by Council. Council observed that the accounts provided by Party A complied with State of Delaware income tax requirements but not with generally accepted US accounting principles. According to the accounting policies included in the accounts provided, the accounts were not intended to present the fund's financial position
4. The accounts provided in any case covered only a fraction of Party A's activities;
5. The balance sheet was unaudited and appeared to be unconsolidated. Council was therefore unable to make further appropriate assessments.
6. The business plan did not demonstrate a viable project;
7. The duration of the business plan provided was not adequate. There was no 20 year plan as required by Council. The business plan provided only covered a five year period. The Falcon Report required a 20 year business plan.
8. The business plan did not make adequate provision for CPO costs; site acquisition and development of the airport;
9. Some of the business plan expenditure assumptions and some of the income assumptions appeared optimistic.

Paul Cook said that Council had received feedback from its external auditors, Grant Thornton, LLP who commented that they had no issues with the decision taken by Council on this indemnity partnership matter. He said that Council had received counsel's opinion confirming the conduct of the soft marketing exercise was appropriate. The Council had compared its process with that used by other local Councils in seeking a CPO indemnity partner for a major project. Paul Cook said the process used by TDC was comparable to that used by the other local councils.

Some Members were concerned that Council had put 'too much weight' on the advice given by the Falcon Report. Other Members acknowledged that Cabinet had kept other Political Group Leaders informed of the progress regarding the sourcing for a CPO Indemnity Partner. Councillor Johnston, Leader of Council said that Cabinet extended deadlines to Party A to submit all the information that was required to assess their viability as an indemnity partner. However despite the extension of deadlines, the information handed to Council was still inadequate to confirm the viability of Party A as a potential indemnity partner. Madeline Homer, Acting CEx advised the meeting that the costs incurred by Council to date regarding the soft marketing and legal advice was £26,000 and this figure excluded officer time.

Councillor Bayford proposed, Councillor Marson seconded and Members unanimously agreed that the following:

That the decision that ‘That no further action be taken at this present time on a CPO of Manston’ be reviewed by Cabinet on receipt of new information from the Minister of Transport.

The Chairman adjourned the meeting for five minutes to allow members of the public to leave the Chamber after this issue had been concluded.

446. LEADER'S UPDATES - EXECUTIVE UPDATES ON PROGRESS ON KEY PROJECTS

The Leader reported to the meeting that she had attended neighbourhood engagement meetings that included Ramsgate Matters where update reports on key Council projects were presented. She attended the Boat Show in London on 13 January 2015 at which Ramsgate Port had a stand. Cllr Johnston advised the meeting that the Royal Sands mediation was still on going. A Members Briefing would be held in February to provide updates on the Dreamland. Funding for the cliff wall survey had been received by Council and the Royal Pavillion agreement had been signed by Council and Wetherspoons.

Madeline Homer said that she would continue to provide updates on the Royal Sands mediation process The Cabinet Member responsible for that service area was kept informed of progress to date.

The report was noted.

447. PROPOSED TDC GRANT ALLOCATIONS AND MONITORING PROTOCOL - OSP RECOMMENDATION TO CABINET

Mr Paul Cook, Director of Corporate Resources advised the meeting that the report would be brought to the next scheduled meeting of the Panel on 10 March 2015.

448. THANET PARKING POLICY 2015-2020

Mark Seed, Director of Operational Services introduced the item. He said that there was a need to come up with an effective parking policy for Thanet to cover business, leisure and residential areas and reconcile competing demands whilst achieving safe use of roads. A key aim was to support the local economy. The policy aimed to create space for residents who wanted to park near their properties. The policy would also support the environmental agenda

Mark Seed said that the new policy would take into consideration concerns raised by residents and Members regarding some areas in the district that were experiencing parking problems. The policy would also try to balance the challenges posed by balancing peak demand and under-utilised parking spaces in some parts of the district. Mr Seed said that his team would try to simplify the arrangements for pre-booking for coach parking in allocated areas in the district for 2015/16. Members congratulated the Operational Services Team that conducted the survey on parking charges and the comprehensive report provided for the Panel meeting.

Some Members requested for more enforcement to on-street car sales in the district. Members were advised that this issue could only be dealt by the Parking Service if waiting restrictions were in place. Officers agreed to assess the current management of this issue as part of the Licensing Services and the anti-social behaviour unit.

The report was noted.

449. REJECTED PETITION - CCTV IN ALBION GARDENS

The report was noted.

450. REVIEW OF OSP WORK PROGRAMME 2014/15

Councillor King gave a brief verbal update regarding the work of the TDC Artefacts Management Review Task & Finish Group (TFG). He said that he had been advised by officers that the bid by Council to the Heritage Lottery Fund had received a positive response. Councillor King then requested that a meeting of the sub-group be arranged by officers as soon as was possible in order to formally share this information with other members of the TFG.

Madeline Homer, Acting CEx said that she would check for any further updates regarding the funding bid and pass on the message to the sub-group.

Councillor Campbell proposed, Councillor D. Saunders seconded and Members agreed the following:

1. To note the report;
2. To delegate to the Corporate Performance Review Working Party, the authority to make recommendations on the corporate performance report directly to Cabinet.

451. FORWARD PLAN AND EXEMPT CABINET REPORT LIST - 20 JANUARY 2015 - 1 AUGUST 2015

The report was noted.

Meeting concluded: 9.20 pm