

COUNCIL

Minutes of the meeting held on 12 April 2018 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillors Ashbee, Bambridge, Bayford, Brimm, Buckley, Campbell, G Coleman-Cooke, K Coleman-Cooke, Connor, Crow-Brown, Curran, Dawson, Day, Dellar, Dennis, Dexter, Dixon, Edwards, Evans, J Fairbrass, L Fairbrass, Falcon, Fenner, Game, Grove, Hayton, G Hillman, Howes, Jaye-Jones, Johnston, Larkins, Martin, Matterface, Messenger, Parsons, L Piper, S Piper, L Potts, R Potts, Pugh, Rogers, Rusiecki, D Saunders, M Saunders, Savage, Shonk, Stummer-Schmertzing, Taylor, Taylor-Smith, Tomlinson, Townend, Venables and Wells.

1. APOLOGIES FOR ABSENCE

Apologies were received from Councillors Braidwood, Constantine and Gregory.

2. MINUTES OF PREVIOUS MEETING

It was proposed by the Chairman, seconded by the Vice-Chairman and agreed, that the minutes of the Council meeting held on 22 February 2018 be approved and signed by the Chairman.

3. MINUTES OF THE EXTRAORDINARY MEETING

It was proposed by the Chairman, seconded by the Vice-Chairman and agreed, that the minutes of the extraordinary meeting of Council held on 1 March 2018 be approved and signed by the Chairman.

4. ANNOUNCEMENTS

There were no announcements.

5. DECLARATIONS OF INTEREST

There were no declarations of interest.

6. PETITIONS

No petitions had been received by the Council in accordance with the petition scheme.

7. QUESTIONS FROM THE PRESS AND PUBLIC

(a) QUESTION NO. 1 FROM A MEMBER OF THE PUBLIC – IMPACT ON USERS OF THE CLINICAL WASTE AND SHARPS DISPOSAL SERVICES

Ms Clarke asked Councillor Taylor-Smith the following question:

“Was any thought given to the impact on users of the clinical waste and sharps disposal service under the Equality Act of 2010 when charges were being considered as those who use the service are being treated unfavourably as a consequence of their disability?”

Councillor Taylor-Smith responded with the following points:

- Councillor Taylor-Smith wished to offer an apology on behalf of the Council for the incorrect information that had been sent to some residents.
- An Equality Impact Assessment had been carried out as part of the consideration to introduce charges for clinical waste collection.

(b) **QUESTION NO. 2 FROM A MEMBER OF THE PUBLIC - HEALTH AND SAFETY IMPLICATIONS OF THE CHANGES TO THE CLINICAL WASTE AND SHARPS DISPOSAL SERVICE**

Ms Norwood asked Councillor Taylor-Smith the following question:

“Was any thought given to the implications under Health and Safety legislation when users of clinical waste and sharps disposal were originally told they could use their black bin? If an employee or member of the public received an injury who would be liable?”

Councillor Taylor-Smith responded with the following points:

- Needles and medical waste should never be put in the household waste bins.
- The Council would defer the implementation of the charges until it had undertaken a review that would consider comments from residents.

8. QUESTIONS FROM MEMBERS OF THE COUNCIL

(a) **QUESTION NO. 1 FROM A MEMBER - REGARDING THE POSTPONEMENT OF CLINICAL WASTE AND SHARPS DISPOSAL SERVICES**

Councillor Matterface asked Councillor Taylor-Smith the following question:

“The postponement of fees and charges for clinical waste and sharps disposal is welcome but what alternatives are under consideration and how long will the users of the service have to wait to find out the options?”

Councillor Taylor-Smith responded with the following points:

- Collection would continue to be free of charge while the review was undertaken.
- The review was expected to be completed in the next few months.

Councillor Matterface followed up her question by noting that charges for clinical waste collection had been expected to generate £60,000.00, if collection remained free, how would this budget deficit be balanced? There were a number of legislative requirements which should be considered as part of any future proposal, such as the environmental protection act, carriage of dangerous goods, and the hazardous waste directive. Would all these be considered as part of any future proposal?

Councillor Taylor-Smith responded that Officers would advise Councillor Matterface of the budget situation following the review. Any proposal put forward would take all relevant legislation into consideration.

(b) **QUESTION NO. 2 FROM A MEMBER - REGARDING PROJECTS IN MARGATE CENTRAL WARD**

Councillor Johnston asked the Leader the following question:

“What efforts have you made since becoming Leader to progress several projects and help us in Margate Central ward?”

The Leader responded with the following points:

- There were some ambitious objectives for the area including:
 - Reduction of deprivation and health inequality;
 - Creating a more sustainable community;
 - Creating new quality, affordable housing.
- Many privately rented homes had been made safe by enforcement.
- Bad landlords had been driven out, with 39 prosecuted.
- There was less antisocial behaviour and fewer empty homes.
- The Council continued to work in partnership with Sand Heritage Ltd and its investors in Dreamland.
- The staff and partners working on these projects should be congratulated for their work.

Councillor Johnston followed up her question by highlighting her concerns with 15 projects in the area that had not been covered in the Leader's response.

The Leader offered to meet with Councillor Johnston to discuss the 15 projects that she had listed.

(c) **QUESTION NO. 3 FROM A MEMBER - REGARDING OUTSOURCING OF COUNCIL SERVICES**

This question was withdrawn at the request of the Councillor who submitted it.

(d) **QUESTION NO. 4 FROM A MEMBER - REGARDING PLASTIC WASTE**

Councillor Messenger asked Councillor Taylor-Smith the following question:

"Blue Planet have highlighted to the world how plastics have become detrimental to our sea life and environment. Will the council now look to adopt a policy to work towards a Plastic Free Coastline?"

Councillor Taylor-Smith responded with the following points:

- Councillor Taylor-Smith endorsed the proposal and hoped Members would offer their support when a policy was brought before Council.
- The Council supported the Surfers Against Sewage Plastic Free Coastline Campaign.
- The Council had worked with Keep Britain Tidy on a research project to prevent beach litter which used Margate Main Sands for the study. This offered an insight into the main causes of the beach litter.
- The Council would continue to promote the two minute beach clean initiative and the Marine Conservation Society's Annual Plastic Challenge that encouraged people to give up plastic for a month.
- The Council's environmental education officer has created a booklet which addressed litter, dog fouling and recycling. It has been distributed to schools and community groups.
- Thanks were offered to all the voluntary groups within Thanet who worked to keep the District free of litter.

Councillor Messenger followed up her question by asking whether the Council could aim to take steps to ban single use plastic items from the district by 2020?

Councillor Taylor-Smith responded that she hoped the Council would meet that target.

(e) **QUESTION NO. 5 FROM A MEMBER - REGARDING ERADICATION OF LITTER.**

Councillor Dawson asked the Leader the following question:

“Would the leader of the council support a working party, which is cross party based to oversee and promote a Thanet awareness & educational campaign to eradicate litter & plastics from our streets and beaches.”

The Leader responded with the following points:

- The Council worked hard to improve the District’s streets and beaches. Officers were looking into an umbrella campaign to tackle the environmental issues and communicate the messages in a more consistent way.
- Thanks were offered to everyone who attended a recent focus group which generated a number of new ideas and initiatives for the Council to take forward jointly with the community.
- The Leader supported Councillor Dawson’s proposal, she could speak to the Chair of the Overview and Scrutiny Panel about how a working party on litter and waste might be included in the Panel’s work programme.

(f) **QUESTION NO. 6 FROM A MEMBER - REGARDING LITTERING FINES**

Councillor Larkins asked Councillor Taylor-Smith the following question:

“Most of the correspondence from residents in my ward is about the vast amount of litter strewn around the area. With the permitted litter fine increase by central government I beg the question can TDC increase litter fine in line with this new legislation as a deterrent?”

Councillor Taylor-Smith responded with the following points:

- In April 2017 the Government launched a new litter strategy with the ambition to be “the first generation to leave the natural environment of England in a better state than it found it”.
- New legislation (The Environmental Offences (Fixed Penalties) (England) Regulations 2017) came into effect on the 1 April 2018. Officers were currently looking at the options available and were awaiting statutory guidance on implementation which was due shortly.
- When implementing higher fines, there was a need to take into account circumstances like a person’s ability to pay. This would be covered in the statutory guidance.
- For the first time outside of London, the Council would also be able to apply penalties for littering to owners of vehicles if it can be proved that litter was thrown from their car.

Councillor Larkins followed up her question by asking if the fine could be increased to £150.00, and whether more Enforcement Officers could be employed?

Councillor Taylor-Smith responded that the Council could increase the fine but would wait until the statutory guidance had been published before that decision would be made. She offered to get back to Councillor Larkins with further details regarding recruitment within the enforcement team.

9. NOTICE OF MOTION

There were no motions on notice.

10. LEADERS REPORT

During his report the Leader covered the following areas:

- One of the first actions the administration took was to pause the introduction of clinical waste collection charges.
- Tackling the amount of litter on the streets and beaches would be a top priority for the administration.
- The Council recently successfully achieved 34 prosecutions for non-payment of littering fines and three successful prosecutions for fly tipping.
- In a landmark case, the Council obtained premises closure order to prevent cuckooing and antisocial behaviour at a property in Broadstairs.
- Education needed support from firm but fair enforcement activity where appropriate, including planning and especially parking.
- The Council would engage more with residents to seek their views on how to make Thanet a better place to live.
- In response to the bad weather at the beginning of March the Council activated its server weather emergency plan and extended the opening of the Winter Shelter by a week. During this period waste and recycling collections were severely disrupted. The collection crews deserved recognition for their effort to catch up on the delayed waste collections.
- The ownership of Piermont hall in Broadstairs had been successfully transferred from the Council to Broadstairs Town Council.
- The number of Cabinet Members had reduced from six to five, these five Cabinet Members would be supported by five cabinet assistants.
- The Leader intended to create a Strategic Matters Cross Party Group that comprised of the leader from each group, the deputy leader of council and the senior management team. The Group would consider strategic matters regarding the Council.
- Discussion with the Ministry of Housing, Communities & Local Government (MHCLG) had been positive. They wished to support the Council in bringing forward the date for submission of the Local Plan from April 2019.
- Earlier in the week RiverOak Strategic Partnership had submitted an application for a development consent order to central government at the former airport site.
- Congratulations were offered to the Housing Department as they had won the 2018 LGC Housing Initiative Award at a prestigious local government awards ceremony.

Councillor Rev. Piper as Leader of the Thanet Independent Councillors Group made the following points:

- He congratulated Councillor Bayford on becoming Leader of the Council.
- Council's decision to reject the draft Local Plan in January 18 gave the Council a chance to have a meaningful discussion with the MHCLG team regarding the amount of houses needed within the District.
- The Leader's intention to engage with residents and put them at the heart of all endeavours was good to hear.
- Those involved in the Winter Shelter project and the recent Server Weather Emergency protocol deserve thanks.
- The creation of a Strategic Matters Cross Party Group was welcome.
- The Housing department had achieved great success recently and the award was very well deserved.

The Leader thanked Councillor Rev. Piper for his comments.

Councillor Wells as Leader of the Independent and UKIP Group made the following points:

- It would be interesting to see how the submission date for the Local Plan could be brought forward.
- Councillor Wells wished to add his congratulations to the Housing department for their achievement.

The Leader thanked Councillor Wells for his comments.

Councillor Matterface as leader of the Labour Party made the following points:

- The premises closure order had been desperately needed.
- Previously a two year moratorium had been mentioned as part of the Local Plan, and the possibility of working with other Councils. Was there any further information regarding the local plan?
- What was the purpose of the Strategic Matters Cross Party Group?

The Leader replied to Councillor Matterface's comments with the following points:

- The Strategic Matters Cross Party Group would be similar to the improvement board, but it would also to consider the way forward for the Council at a strategic level.
- The MHCLG had asked the Council to continue to work on the Local Plan. They had not discussed working with other Councils.

11. ANNUAL REPORT - CHAIRMAN OF THE OVERVIEW & SCRUTINY PANEL

Councillor D Saunders, Chairman of the Overview and Scrutiny Panel, presented his report which noted some of the Panel's key activities and achievements over the 2017/18 year. Councillor Saunders expressed his thanks for the support provided by officers, particularly from Mr Hungwe, throughout the year.

Members noted the report.

12. ANNUAL REPORT - CHAIRMAN OF THE GOVERNANCE AND AUDIT COMMITTEE

Councillor Buckley, Chairman of the Governance and Audit Committee, presented his report on the work of the Committee and drew Members attention to the action plan for 2018/19. He wished to thank officers and Members of the committee for their effort over the 2017/18 year.

Members noted the report.

13. ANNUAL REPORT - CHAIRMAN OF STANDARDS COMMITTEE

During consideration of this item there was an adjournment lasting 10 minutes.

Dr Sexton, the Independent Chairman of the Standards Committee presented his annual report which summarised and commented on the work of the Committee over the 2017/18 year. Some Members felt that the use of the term 'en bloc' at paragraph 6.10 of the report was inaccurate because one member of the Thanet Independent Councillors group chose not to vote on the censure issue.

Members noted the report.

14. CHANGES TO THE MEMBERS ALLOWANCE SCHEME

It was proposed by the Leader, seconded by Councillor Savage and Members agreed:

1. "To the deletion of one Cabinet SRA and one Shadow Cabinet SRA
2. To the introduction of five SRA's for Portfolio Assistants to be paid at a rate of £1500 each and that proposals to allocate the savings made from the deletion of the shadow cabinet post be brought to Annual Council.

3. To amend the scheme so there are two opposition group leaders with an SRA of £2,602 each, two deputy opposition group leaders with an SRA of £1,152 each and 6 Shadow Cabinet positions with a SRA of £1,152 each.
4. To change the name of the SRA's "opposition group leader" and "deputy opposition group leader" to "group leader of largest opposition group" and "deputy group leader of largest opposition group".
5. To change the name of the "shadow cabinet" SRA to "opposition spokesperson".
6. To refer the scheme to the East Kent Joint Independent Remuneration Panel for them consider and report back to the Council."

15. PAY POLICY STATEMENT

It was proposed by the Leader, seconded by Councillor Savage and Members agreed the recommendation as shown in the report, namely that Members agree:

"To approve the Pay Policy Statement for 2018/19 as set out in Annex 1, after which it will be published."

During consideration of the item Councillor Fenner proposed an amendment to the proposal. She wished for the statement to include regular monitoring of the gender pay gap; however following further discussion this amendment was withdrawn. Mr Howes, Director of Corporate Governance, offered to provide Members with information on how gender pay gap monitoring took place.

16. CHANGES TO THE COUNCIL'S CONSTITUTION

It was proposed by the Chairman, seconded by the Vice-Chairman and Members agreed the recommendations as shown in the report, namely that Members agree:

1. "To amend paragraph 16.03 a) to read: "The Committee Services Manager will provide an electronic copy of this Constitution to each member of the authority upon delivery to him/her of that individual's declaration of acceptance of office on the member first being elected to the Council."
2. To amend Council Procedure 3.3 to read: "The Monitoring Officer shall include all notices of motion and accompanying statements in the agenda for the next relevant meeting of Council in the order received."
3. To add a new Council Procedure Rule 3.4 to read "A member giving notice in writing (either by official TDC email or via letter) prior to the start of the meeting at which their motion is to be considered, may defer their motion to a later meeting or withdraw it if they are unable to attend the said meeting. If no such notice is received and the member is not present to move the motion it will automatically fall and will not be able to be re-considered for six months as per CPR 3.8 xi)."
4. To amend Council Procedure Rule 14.6 to read: "The Monitoring Officer will reject a question if it is..."
5. To add a new Council Procedure Rule 14.7 to read: "A member giving notice in writing prior to the start of the meeting at which their question is to be considered, may defer their question to a later meeting or withdraw it if they are unable to attend the said meeting."
6. To add a new Council Procedure Rule 14.8 to read: "If such notice is not received and the questioner is not present the question shall not be put and shall be answered in writing. There will be no ability to ask a supplementary question."
7. To note that all subsequent numbering of the council procedure rules would be amended in order to accommodate the changes suggested above."

17. REPS ON OUTSIDE BODIES

It was proposed by Councillor Bayford, seconded by Councillor Savage and Members agreed that the current list of non-executive outside bodies and existing nominations would remain in place until the annual meeting of council in May 2018.

18. CHANGES TO COMMITTEES, PANELS AND BOARDS – 2017/18

PROPORTIONALITY

The Leader proposed option 1 which was seconded by Councillor Savage.

Councillor Rev. Piper proposed option 2 which was seconded by Councillor Jaye-Jones.

Upon being put to the vote, Members agreed option 1 as detailed at paragraph 2.5.1 of the report, namely;

“That a seat is removed from the Planning Committee and the Independent group loses that seat. That a seat is removed from the Conservative group on the Licensing Board and that seat is given to the Thanet Independent Councillors group. That a seat is removed from the Independent group on the Overview and Scrutiny Panel and that seat is given to the Thanet Independent Councillors group. That a seat is removed from the Governance and Audit Committee and the Independent group loses that seat. That a seat is removed from the Conservative group on the Governance and Audit Committee and given to the Independent and UKIP group.”

STANDARDS COMMITTEE AND JOINT TRANSPORTATION BOARD

The Chairman proposed, the Vice-Chairman seconded and Members agreed the tables shown in paragraphs 2.12.2 and 2.12.4, namely;

Table at paragraph 2.12.2:

	Total	Conservative	Independent & UKIP	Thanet Independent Councillors	Labour Group	Independent Members	Parish/ Town Council
Standards Committee	<u>15</u>	3	2	<u>2</u>	1	4**	3
Standards Assessment Sub-Committee	3	*		*	0	At least 1	*
Standards Hearing Sub-Committee	3	*		*	0	At least 1	*

NOTE: *The remaining two members would be either Thanet District Council Members from those groups that are entitled to seats on the Standards Committee, Town/Parish Council members or further independent members, on a case by case basis. In the case of complaint against a Town or Parish Councillor at least one of the panel would be a Town or Parish Council representative.

** Currently there are only two Independent Members in post.

Table at paragraph 2.12.4:

	TDC Members	Conservative	Ind & UKIP	Thanet Independent Cllrs Group	Labour	Parish/ Town Council
Joint	7	3	2	<u>2</u>	<u>0</u>	1

Transportation Board						
----------------------	--	--	--	--	--	--

NOMINATION OF MEMBERS TO SERVE ON COMMITTEES

Councillor Rev. Piper advised that Councillor Dennis would sit on the Licensing Board and Councillor L. Potts would sit on the Overview and Scrutiny Panel.

Councillor Wells advised that Councillor Dellar would move from the Planning Committee and become a reserve. Councillor Grove would sit on the Planning Committee.

ELECTION OF CHAIRMAN AND VICE-CHAIRMAN

The Leader proposed, Councillor Savage seconded and Members agreed that Councillor Day be elected Vice Chairman of the Governance and Audit Committee for the remainder of the 2017/18 year.

Meeting concluded: 8.25pm