

## COUNCIL

### Minutes of the meeting held on 14 October 2021 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

**Present:** Councillor Jason Savage (Chair); Councillors Albon, Ara, Ashbee, Austin, Bailey, J Bayford, R Bayford, Boyd, Braidwood, Coleman-Cooke, Crittenden, Currie, Dexter, Duckworth, Everitt, Farrance, Fellows, Garner, Gregory, Hopkinson, Huxley, Keen, Kup, Leys, Pat Moore, Ovenden, Parsons, L Piper, Rev. S Piper, Potts, Pugh, Rattigan, Rawf, Rogers, Rusiecki, D Saunders, M Saunders, Scobie, Scott, Shonk, Shrubbs, Tomlinson, Wallin, Whitehead, Wing, Wright and Yates

#### 1. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillor's Bambridge, Dennis, Green, Hart, Paul Moore and Towning.

#### 2. MINUTES OF THE PREVIOUS MEETINGS

##### (a) Minutes of the meeting held on 15 July 2021

It was proposed by the Chairman, seconded by the Leader and agreed, that the minutes of the meeting of Council held on 15 July 2021 be approved.

##### (b) Minutes of the extraordinary meeting held on 23 September 2021

It was proposed by the Chairman, seconded by Councillor Scobbie and agreed, that the minutes of the extraordinary meeting of Council held on 23 September 2021 be approved.

#### 3. ANNOUNCEMENTS

The Chair advised Members that in response to the recently received External Auditor's recommendations, an Extraordinary Council meeting will be held within a month to consider the Auditor's recommendations.

#### 4. DECLARATIONS OF INTEREST

There were no declarations of interest.

#### 5. PETITIONS

No petitions had been received in accordance with council procedure rule 12.

#### 6. QUESTIONS FROM THE PRESS AND PUBLIC

##### (a) Question No.1 - Regarding Clinical Waste Collection.

Mr Thompson was not present at the meeting and would receive a response to his question in writing.

##### (b) Question No.2 - Regarding Swimming at Your Leisure Facilities.

Ms Kimber asked Councillor Kup the following question:

“Swimming is important to young children for exercise and, with Thanet's extensive coastline, for their safety. All Baby and Pre-School swimming lessons at the pools managed by Your Leisure are now exclusively provided by a private organisation (Puddle Ducks).

These can be much more expensive than those offered directly by Your Leisure for older children, at £15 per lesson for Puddle Ducks.

Could the council explain why such an exclusive agreement was made, and how it is in the best interests of Thanet's children?”

Councillor Kup responded with the following points:

- Swimming was an important exercise for all age groups however Your Leisure was an independent organisation and set their prices independently of the Council.
- Councillor Kup offered to meet with Ms Kimber outside of the meeting to discuss what could be done regarding the issue.

(c) **Question No.3 - Regarding The Protection Of Venues From Complaints**

Mr Randles asked Councillor David Saunders the following question:

“What is TDC doing to value and protect new and existing hospitality and music venues from complaints, the likes of which see such establishments shut down in order to appease a minority of residents who choose to live next to or within buildings and areas of high and historic cultural, artistic and economic importance?

Further, has TDC considered following the City of Liverpool and others in adopting Agent of Change or sought to apply Deed of Easements to venues that would warrant it.”

Councillor David Saunders responded with the following points:

- A deed of easement was an agreement that gave rights over a piece of land or property for the benefit of another person. This was done by individual land owners rather than the Local Authority.
- Paragraph 187 of the National Planning Policy Framework outlined that planning policies and decisions should ensure that new developments would be integrated effectively with existing businesses and community facilities.
- Whilst not explicitly cited in the 2020 Local Plan, the Council considered the need for applicants to provide suitable mitigation in new housing proposals if the new development would result in unreasonable restrictions on existing facilities, including music venues. This included the requirement of acoustic surveys and acoustic insulation to mitigate the transmission of noise.
- The Council notified all neighbouring properties of proposed sites, to ensure the consideration of comments from residents and businesses about planning applications.

(d) **Question No.4 - Regarding The Travellers Community at Ramsgate Port.**

Ms Shotton asked Councillor Kup the following question:

“It is increasingly apparent that we are heading for a humanitarian disaster this winter for our vulnerable Travellers' Community currently housed at Ramsgate Port, unless a permanent, safe, suitable site is identified for them by TDC, as required under the Housing Act 2004 and its attendant regulations.

Under the Human Rights legislation access to regular health care and settled schooling are among the primary entitlements of these families. At present lacking the most basic requirements, such as access to toileting facilities, their situation is one of which we should all feel ashamed.

Can you report what urgent action is being taken by officers to identify sites and move this most important project forward so that these families, among the most disadvantaged of our Thanet community, can access the health care, mental health support and education they so desperately need.”

Councillor Kup responded with the following points:

- The Council commissioned a study for the Local Plan Examination, which identified a cultural need for seven permanent pitches and five transit pitches. One of the key aspects of the Local Plan update was to allocate suitable sites to meet the identified need.
- Separately, a site search was undertaken by the Council to identify possible emergency stopping sites for Gypsies and Travellers. This had been included in the Local Plan work.
- A “call for sites” was undertaken at the beginning of 2021. The submissions would be assessed through the local plan process. Council officers were also looking for other potential sites, including those in public ownership, to meet the identified need.

## **7. QUESTIONS FROM MEMBERS OF THE COUNCIL**

### **(a) Question No. 1 - Regarding Southern Water and Discharges into the Sea**

Councillor Yates asked Councillor Pugh the following question:

"Does Cllr Pugh agree with me that following raw sewage being dumped along Thanet's coastline that it is worrying that Southern Water have been unable to confirm in writing that the permitted pumping speeds required at Margate pumping station (809 litres per second) have been met over the past couple of years?"

Councillor Pugh responded that the regulating body for the authorisation of discharges from the pumping station was the Environment Agency, as part of the authorisation there would be conditions to control discharge. Whilst these issues had been raised with the Environment Agency, any such breaches would be enforced by them.

Councillor Yates followed up his question by asking Councillor Pugh if he knew whether the Environment Agency had initiated a criminal investigation into the recent discharge incident at Broadstairs?

Councillor Pugh responded that he was aware that the Environment Agency had initiated a criminal investigation into the incident that occurred on 16 June at the Margate Pumping station, but was not aware of an investigation into the Broadstairs incident.

### **(b) Question No. 2 - Regarding Safety Buoys**

Councillor Albon asked Councillor Pugh the following question:

" Can you please tell me why no safety buoys were located off and along the main beaches to protect swimmers and beach users from jet skis etc, in accordance with the Council approved beach action plan"

Councillor Pugh responded that the buoys had been put out at the agreed locations at the start of the summer season at the following beaches:

- Minnis Bay
- West Bay
- St Mildred's Bay
- Westbrook Bay
- Margate
- Ramsgate.

Councillor Albon followed up his question by noting that there had not been any buoys at Eastcliff Beach in Ramsgate.

Councillor Pugh responded that the Council's top priority was the safety of residents and visitors, he offered to look into the situation.

(c) **Question No. 3 - Regarding AirBnB's**

Councillor Bailey asked Councillor Jill Bayford the following question:

"I have become increasingly aware of the plight of people trying desperately to find a place to rent in Thanet. I even know of a lady in her eighties in a desperate situation who has been issued a Section 21 notice but cannot find anywhere to rent so is temporarily staying with her brother.

There currently seems to be a real issue around the lack of available rental property and this unavailability seems to be exacerbated, at least in part, by the proliferation of AirBnBs.

A shortage of rental properties will also put more pressure on this Authority in terms of having to find additional temporary accommodation to house people so this is a serious problem that has ramifications for the Council.

I would like to ask, what is this council doing, or what power does it have - perhaps through the review of the Local Plan, to address this issue?

Do we actually know how many Airbnbs there are in the district?

Is there a local requirement to register Airbnbs with this authority? If not, should there be?"

Councillor Jill Bayford responded with the following points:

- The Council's adopted Local Plan included an assumption that 6.3% of the local housing stock were second homes, which potentially included holiday lets, and the housing requirements set out in the plan took this into account. This equated to around 4,000 dwellings.
- The Local Plan also had policies that both supported the retention of residential dwellings (Policy HO22), and supported the provision of self-catering accommodation as part of the local tourism industry (Policy E08). The intention of Policy HO22 was to protect the existing housing supply. There were some caveats, of which one was tourism use, but only where it met certain policy criteria.
- In the event that planning permission was required for a holiday let of this kind, the policies in the adopted Plan were probably sufficient. However, Policy H022 could only be applied when there was a material change of use of a dwelling.
- In a significant number of cases it was unlikely that there would be a material change of use from a residential dwelling to a holiday let. For example where a whole dwelling was let to a single family for their holiday. However the Council considered all planning enforcement complaints in relation to short-term accommodation, to assess whether a change of use had occurred, and looked at the specific factors in each case.
- Any new local planning policy in relation to holiday letting, would need to be based upon robust evidence about the impact on the supply and affordability of local homes to meet locally identified needs.
- There was no current requirement to register an AirBnB, or any other form of holiday let, not including hotels and HMO's that were covered by different legislation, with the local council. As a result, the Council did not hold definitive figures, however AirBnB have indicated that their platform had up to 1,316 listed properties. It was not clear whether these were whole dwellings or parts of a dwelling. A 2019 survey, completed by Visit Kent identified 1,089 active AirBnB rentals in Thanet. This suggested that the recent trend in people holidaying in the UK, following the COVID-19 pandemic had fuelled a rise in the number of AirBnB's locally.
- The mandatory registration or the effective planning control of holiday lets would require new national legislation or regulation. A number of national organisations (B&B Association, Tourism Alliance etc) had been lobbying for change and have

asked for a registration scheme to be introduced. As part of the Government's Tourism Recovery Plan one of the key initiatives was to launch a consultation on the introduction of a Tourism Accommodation Registration scheme.

- The Council was committed to determining the impact of AirBnB's on the residential market in Thanet, but this should be weighed against the value of the visitors economy which supported local employment.

Councillor Bailey followed up her question by asking if the Council had a response to the recently published white paper from Professor Novelli.

Councillor Jill Bayford responded that the white paper was looking at national registration of AirBnB's, this would be a move supported by the Council.

(d) **Question No. 4 - Regarding the Availability of Affordable Housing**

Councillor Austin asked Councillor Jill Bayford the following question:

" At a recent drop-in session, the Director of Housing & Planning highlighted the current pressures on affordable housing in Thanet occasioned by rapidly rising private sector rents, the reduced number of properties available for rent and the very modest number of new properties we as a Council have been building each year.

What strategies is Cabinet adopting to address these issues – and in particular, to increase the number of Council-owned properties available for rent?"

Councillor Jill Bayford responded with the following points:

- The Council had adopted a detailed Housing, Homelessness and Rough Sleeper Strategy, which set out the Council's proposals for providing affordable homes. The strategy was available on the council's website.
- The Strategy included a strategic objective to improve access to, and supply of, housing including affordable homes. It set out a detailed action plan, and progress was reviewed by the Housing Cabinet Advisory Group. In particular the strategy set out how the Council and its housing association partners were working together to increase the supply of affordable homes, and the action that the Council was taking to bring empty homes back into use.
- Over the past nine years the Council had constructed or acquired 162 new homes for affordable rent, and had approved funding in place for a further 28 new homes. These programmes have been supported with a total investment of £43,000,000.00, primarily from capital funding from the Council's Housing Revenue Account (HRA), with additional support, such as from Right-to-Buy receipts and Homes England grants. The total funding available for investment in this way was limited by the capacity of the Council's Housing Revenue Account to release capital funding or support borrowing.
- The current business plan projections included provision for further investment of around £8.1m annually, from 2024, which would provide at least 30 new homes each year. The Housing Cabinet Advisory Group were due to consider the latest business plan projections at its next meeting and these would be presented to Cabinet and Council as part of the budget setting process for 2022/23.
- In addition to the Council's activities, new affordable homes for rent were provided by the Council's Housing Associations Partners. These homes were either provided in partnership with private sector house builders, through section 106 agreements, or supported by grants from Homes England, with the bulk of funding coming from Housing Associations own business plans. The pace of delivery was strongly linked to the pace of private sector house building, and the Council worked closely with private sector house builders to facilitate the delivery of approved homes. This year would see 66 housing association homes completed in the District, this would increase in 2022/23 to around 350 homes.
- Although these programmes demonstrated the commitment of the Council to deliver more affordable homes for rent both directly and with partners, they were

insufficient to meet the level of need for homes. The Council was therefore also committed, through the Housing, Homelessness and Rough Sleeper Strategy, to explore new models of funding and delivery, and would continue to keep this under review through the work of the Cabinet Advisory Group.

Councillor Austin followed up her question by asking what the Council was doing to ensure homes were adequately insulated.

Councillor Jill Bayford advised that this was detailed in the Council's Housing Strategy.

## 8. **NOTICE OF MOTION**

### (a) **Motion No.1 - Disabled Parking Scheme Review**

It was proposed by Councillor Whitehead and seconded by Councillor Keen that:

"This Council commits to an internal audit of the number of disabled parking spaces available in relation to the numbers of residents requiring them, and commits to contacting and working with KCC to bring forward personalised permits, so that our application based disabled parking bays can perform the role that is intended."

In accordance with council procedure rule 3.7, Councillor David Saunders provided a response to the motion.

Members voted not to debate the motion, therefore the motion was forwarded to Cabinet without debate as it related to a Cabinet function.

### (b) **Motion No.2 - A Partnership between Local Government and National Government to tackle Climate Change**

It was proposed by Councillor Garner and seconded by Councillor Wing that:

"This Council resolves to:

- in this year of COP26 add our voice to calls by the Local Government Association and the Association of Directors of Environment, Economy, Planning and Transport & others for a joint local & national government Task Force to plan action to reach 'net zero' emissions. Such a partnership can set appropriate regulations, benchmarks and targets and create the much needed long-term funding mechanisms to enable local communities and economies to decarbonise whilst remaining resilient and sustainable.

- write to Alok Sharma MP, President for COP26, the Prime Minister and the Leadership Board of the LGA informing them of our support for a joint Local/National Government Climate Change Partnership Taskforce and asking for one to be established as soon as possible."

In accordance with council procedure rule 3.7, Councillor Robert Bayford provided a response to the motion.

Following a vote on the motion, the motion was carried.

### (c) **Motion No.3 - AirBnBs in Thanet**

It was proposed by Councillor Yates and seconded by Councillor Rawf that:

"This council notes with concern the ongoing issues raised by residents around the growth in AirBnBs in Thanet, especially in relation to the reduction in long term rentable properties. We welcome the majority of visitors to Thanet, who make an important contribution to our economy, but we hear residents' concerns and wish to take action to control this serious issue which is damaging our community and damaging the reputation of AirBnb.

This council recognises that it currently does not possess the powers to intervene and regulate these properties, and that this is a problem faced by many local authorities across the country.

Therefore, this Council resolves to:

a) Work within the Local Plan Cabinet Advisory Group to try and introduce planning restrictions that affect short-term rentals, such as change of use regulations that are required in Greater London to turn a property into an AirBnb property.

b) Ask the Leader of the Council to write to Marie Lorimer, the UK Public Policy Manager at AirBnb to request a meeting, and seek to proactively introduce a 90 day annual limit for entire home rentals in Thanet within the AirBnb platform. AirBnb currently has a lock on their platform that does not allow Greater London entire home properties to be rented out for more than 90 days a year."

In accordance with council procedure rule 3.7, Councillor Jill Bayford provided a response to the motion.

Members voted not to debate the motion, and as the motion related to a Council function, the motion fell.

## **9. LEADERS REPORT**

The Leader, Councillor Ashbee, presented her report to Council, covering the following key points:

- The Annual residents survey of 6000 people was underway; this would help the Council prioritise Council services.
- Hard decisions had to be made each year during the budget building process, however the Council constantly looked to improve efficiency whilst maintaining the standard of service.
- Thanet had seen a 71% increase in visitor numbers during the peak season; this was expected to continue next summer.
- The Beach Management Plan had proved very successful. 1,800 tonnes of litter had been collected and 7000 hours of litter picking had taken place across Thanet's eight most popular beaches. The volunteers who had conducted litter picks deserved our thanks. The Council wished to find a way to generate revenue from visitors to offset these additional operating costs that did not impact upon local business by deterring visitors from coming to the area.
- To encourage biodiversity, the flower beds managed by the Council now contained perennial plants, this created habitats for pollinators such as bees, butterflies and moths.
- The Council had commissioned consultants to conduct a feasibility study of the Westbrook Loggia redevelopment. It was difficult for the Council to maintain these iconic coastal buildings; it was hoped that this would restore the Loggia to its former glory.
- 'Fiver Fest' would be running during October to encourage use of local businesses as part of the Totally Locally campaign.
- The Tenant and Leaseholder Service had been running for a year. Since the service had been bought in-house, there had been a significant improvement in the service. The Housing Team should be congratulated for their efforts.
- Work on the Ramsgate Future initiative had continued. The public engagement stage regarding the Ramsgate Future Town Investment Plan was now complete, and responses would be collated to finalise the document that would be published in November.
- The Council was looking for engagement with a survey into proposed highway improvements to the road and pedestrian areas of Ramsgate.
- The Margate Town Deal process had entered phase two, this included the development of 'Green Book' business cases.
- The Ramsgate 200th Royal Harbour status celebration was a success; the District could be proud to have the only royal harbour in the Country.
- Ramsgate Football Club deserved acknowledgement for their work in support of the HAF programme. The Government scheme was only funded during the end of term school holidays, however Riveroak Strategic Partnership had offered to

fund hot meals to allow the course to continue during the October half term holiday as well.

- Southern Water had commissioned a drainage study for Thanet costing £400,000.
- The Council was not advised of the recent Southern Water discharge event that occurred from the Joss Bay pumping station on 5 October. The discharge had been identified by a Council Officer. The Leader would be meeting with the Southern Water CEO Mr McAulay, and had requested that the local MP's take the matter up in Parliament. The Leader would also write to the Environment Agency and Ofwat to express her concern and frustration at the situation.

Leader of the Labour Group, Councillor Everitt, made the following points:

- He wished the Leader a happy birthday.
- The residents survey was important, the challenge was to have cleaner streets and better waste collections without any additional cost.
- The Beach Management Plan was good, and there had been some good work despite workforce challenges.
- Councillor Whitehead deserved some acknowledgement for her involvement in the creation and success of the Tenant and Leaseholder Service.
- Councillors recently had a tour of a Southern Water pumping station, but the following day there was another failure, it was hard to know what more elected members of the Council could do.
- The work of Ramsgate Football Club, with the support of Riveroak Strategic Partnerships, was good to hear.

The Leader replied to Councillor Everitt's comments with the following point:

- Staff shortages, and lorry driver shortages in particular, had been a national problem, however the Council had dealt with the situation well and had experienced very little disruption to services.

Councillor Reverend Piper, as leader of the Thanet Independent Group, made the following points:

- He offered thanks to everyone involved in cleaning up after visitors and residents over the summer season.
- Thanks were offered to the Leader for her work and efforts with Southern Water, and to the officers who were trying to deal with the issue.

The Leader noted Councillor Rev Piper's comments.

Councillor Garner as Leader of the Green Party made the following points:

- Thanet was lucky to have so many people working to benefit the area, from volunteer litter pickers, to gardening groups, and to those responding to surveys. People were passionate about making things better for those living in, and visiting the area.
- We should all support 'Fiver Fest'.
- The repeated failures of Southern Water were unacceptable and the company should pay for their negligence.

The Leader replied to Councillor Garner's comments noting that:

- The Southern Water issue was a high priority, the Leader, the District's two MP's and the Council's Chief Executive would be meeting Mr McAulay to discuss the latest incident.

Members noted the report.

## **10. REPORT OF THE CHAIRMAN OF THE OVERVIEW AND SCRUTINY PANEL**

Councillor Rev. Piper, the Chairman of the Overview and Scrutiny Panel, presented the report and the following points were noted:

- Thanks were offered to Mr Hughes and Mr Hungwe for their administrative support of the Panel, and to the Members of the Panel for their commitment.
- The Chair was looking for suggestions of new review topics for consideration next year.
- The Panel had recently attended scrutiny training, it had been very useful and informative.

Members noted the report.

#### **11. CAPITAL PROGRAMME SCHEME - RAMSGATE FUTURE HIGH STREETS FUND**

It was proposed by Councillor Pugh, seconded by Councillor Robert Bayford and Members agreed the recommendations as shown in the report, namely that the Council:

“Approve the addition of a new scheme into the Capital Programme, funded from the MHCLG Future High Street Funds. The value of the scheme will be no more than the total £2,704,213; this being the maximum award from the Ministry of Housing, Communities and Local Government, for the delivery of pre-agreed projects within the Ramsgate Future High Street Funding programme.

That the Director of Regeneration and Director of Law and Democracy are authorised to agree appropriate contracts for works and grant payments, based on approval from the Director of Property Asset Management and Director of Finance.”

#### **12. ANNUAL TREASURY MANAGEMENT REVIEW 2020-21**

It was proposed by Councillor David Saunders, seconded by Councillor Robert Bayford and Members agreed the recommendations as shown in the report, namely that the Council:

“Notes the actual 2020-21 prudential and treasury indicators in this report.

Approves this Annual Treasury Management Report for 2020-21.”

#### **13. STATEMENT OF COMMUNITY INVOLVEMENT REVIEW - RESULTS OF PUBLIC CONSULTATION AND ADOPTION**

It was proposed by the Leader, seconded by Councillor Robert Bayford and Members agreed the recommendation as shown in the report, namely:

“That Council adopt and publish the revised Statement of Community Involvement”

#### **14. EXECUTIVE APPOINTED OUTSIDE BODIES LIST 2021/22**

It was proposed by the Chair, seconded by Councillor Leys and Members agreed that the recommendation set out in the report be agreed, namely:

“That the Manston Skills and Employment (MSE) Board be added to the list of Executive Outside Bodies.”

#### **15. CHANGE TO THE CONSTITUTION - APPOINTMENT OF GRIEVANCE COMMITTEE AND GRIEVANCE APPEALS COMMITTEE**

It was proposed by the Chair, seconded by Councillor David Saunders and Members agreed that the recommendations set out in the report be agreed, namely:

“To appoint a Grievance Committee and approve its terms of reference.  
To appoint a Grievance Appeals Committee and approve its terms of reference.  
To nominate and appoint 5 councillors to sit on the Grievance Committee as per proportionality.  
To nominate and appoint 3 councillors to sit on the Grievance Appeals Committee as per proportionality.  
To approve the changes to the Constitution to include these additional Committees.”

**16. REVIEW OF CHANGES TO THE MEMBERS ALLOWANCES SCHEME 2021/22 BY EKJIRP**

Members noted the report.

**17. CHANGES TO COMMITTEES, PANELS AND BOARD**

**PROPORTIONALITY**

Following consensus from the group leaders the Chair proposed, the Leader seconded and Members agreed to approve the proportionality between groups for committees, panels and boards for the remainder of the 2021/22 municipal year, as shown at paragraph 4.1.1 of the report.

**NOMINATION OF MEMBERS TO SERVE ON COMMITTEES**

Councillor Rev Piper advised of the following changes to the Thanet Independent Groups nominations:

Councillor Braidwood to sit on the Standards Committee.

Councillor Dennis to sit on the Licensing Board.

Councillor Potts to sit on the Housing Cabinet Advisory Board.

Councillor Garner advised that Councillor Wing would become a reserve on the Planning Committee.

**18. EXCLUSION OF PUBLIC AND PRESS**

It was proposed by the Chair, seconded by the Leader and Members agreed that the public and press be excluded from the meeting for agenda item 19 as it contained exempt information as defined in paragraphs 2 and 5 of Part 1 of Schedule 12a of the Local Government Act 1972 (as amended).

**19. UPDATE ON A STAFFING MATTER**

It was proposed by the Leader, seconded by Councillor Everitt and Members agreed that the recommendations set out in the report be approved.

Meeting concluded: 8.45pm