

Agenda

Council Meeting

**Thursday 22 February 2024
7.00 pm**

Lord Mayor: Councillor Jean Butcher
Head of Paid Service: Tricia Marshall

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If a meeting passes a motion to exclude the press and public then, in conjunction with this, all rights to record the meeting are removed.

Canterbury City Council
Military Road
CANTERBURY
CT1 1YW

14 February 2024 To: The Members of the CANTERBURY CITY COUNCIL

I hereby summon you to attend A MEETING OF THE CANTERBURY CITY COUNCIL to be held at THE GUILDHALL, ST PETER'S PLACE, CANTERBURY ON THURSDAY 22 FEBRUARY 2024 at 7.00 pm for the transaction of the business described in the following agenda.



Head of Paid Service

Agenda

1 Apologies for absence

2 Declaration of interests by councillors or officers

TO RECEIVE any declarations for the following in so far as they relate to the business for the meeting:

- a. Disclosable Pecuniary Interests
- b. Other Significant Interests (what were previously thought of as non-pecuniary Prejudicial interests)
- c. Voluntary Announcements of Other Interests i.e. relevant memberships

Voluntary Announcements of Other Interests not required to be disclosed as DPI's or OSI's, i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Councillor knows a person involved, but does not have a close association with that person,
- Where an item would affect the well-being of a Councillor, relative, close associate, employer, etc but not his/her financial position.

[Note: an effect on the financial position of a Councillor, relative, close associate, employer, etc; OR an application made by a Councillor, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

3 Petitions or questions from the public

Any member of the public may present a petition or put a question, provided that it is supported by not less than 15 signatories, and provided that notification has been given to Democratic Services by 12.30pm the working day before the meeting.

The Head of Paid Service will report verbally any notifications received within the prescribed time limit regarding any petitions or questions for the meeting.

Other than in accordance with the Council's Petition Scheme, no debate shall take place upon any matter put before the Council by way of petition. No debate shall take place upon any matter put before the Council by way of question except at the discretion of the Lord Mayor, when the Leader or Chair of an appropriate committee may respond.

The Leader or the Chair may agree to a written response being sent on behalf of the Council. The Lord Mayor, at their discretion, may determine the order in which the petitions and / or questions are taken.

It is the usual practice to refer any petitions or questions to the relevant decision making body or, if there is a related item on the agenda, they will be considered at the meeting.

Under the Council's Petition Scheme - Duplicate Petitions will not be accepted (Where more than one petition is received in time for a particular meeting, each supporting the same outcome on one matter, each petition organiser will be treated as an independent organiser, but only the petition organiser of the first petition will be invited to address the relevant meeting).

Repeat Petitions will not be accepted (Where a petition will not normally be considered where they are received within six months of another petition being considered by the authority on the same matter).

The lead petitioner or their nominee will be invited to address the Council about the petitions for a maximum period of 3 minutes.

(a) Submission of petition against the increases in parking charges

The following petitions have been submitted separately with the intention that they be presented to full Council as a single petition -

- i) I support the petition to call on Canterbury City Council to reverse its proposal to increase parking rates to £2.70 per hour and remove the free evening parking in William St car park

- ii) I support the petition to call on Canterbury City Council to reverse its proposal to increase parking rates at Reculver car park.

TO RECEIVE a petition from Robert Johnson, Lead petitioner.

The petition will be discussed under the budget item which includes parking income forecasts.

4 Announcements

TO RECEIVE any announcements by the Lord Mayor, the Cabinet Members or the Head of Paid Service.

5 Budget Proposals 2023/24 (up to 10 minutes shall be allowed for each speech)

- i) The Leader (or nominee) to deliver their priorities speech.
- ii) Group Leader (or nominee) to reply on behalf of the Conservative Group.
- iii) Group Leader (or nominee) to reply on behalf of the Green Party Group.
- iv) The Leader (or nominee) to respond to the speeches under (ii) and (iii) at their discretion .

6 Recommendations to Full Council from Cabinet

(Councillors must read the relevant reports and appendices of the Cabinet meetings held on 8 February relating to these items. They can be viewed online [here](#))

(a) Pay Policy 2024/24

At its meeting on 8 February 2024 (minute 535) Cabinet RECOMMENDED to Full Council:

That the Pay Policy Statement for 2024/25 be adopted.

(b) Draft Housing Revenue and Capital Budget

At its meeting on 8 February 2024 (minute 541) Cabinet RECOMMENDED to Full Council:

That the draft housing revenue and capital budgets in Appendices A to C be approved.

(c) Financial outlook and draft budget 2024/25

At its meeting on 8 February 2024 (minute 540) Cabinet RECOMMENDED to Full Council:

a) that the Council approves the net revenue budget amount of £20,817,234 for 2024/25;

b) that the Council approves a Council Tax for Band D of £239.91 for 2024/25, an increase of 2.99% when compared with 2023/24;

c) that the Council approves the Financial Plan for 2024/25 to 2025/26 set out in Appendix 1 as the basis for the budget in each of those years with the projected Council Tax increase being limited to not more than 2.99% each year;

d) that, in order to deliver a robust budget in future years, the Council continues to identify further opportunities to generate additional savings;

e) that the fees and charges set out in Appendix 3 be approved;

f) that the movements in reserves set out in Appendix 4 be approved; and

g) that authority be given to incur expenditure on schemes brought into the capital programme since the Council meeting in February 2023 for 2024/25 set out in Appendix 2;

h) that, subject to any alterations necessary, the draft capital programme set out in Appendix 259 2 be adopted as the basis for planning the approved capital budget; and

i) that authority be given to the Head of Paid Services, Director of People and Place, Director of Strategy and Improvement and Service Directors to incur expenditure and otherwise exercise the powers delegated to them in the Constitution in order to implement the Capital Programme.

j) that for the cost recovery fees and charges (highlighted in amber in Appendix 3), officers are able to further increase or decrease charges during the year by up to 5% if costs vary, in consultation with the Chair of Cabinet.

k) that authority is given to the Director of Finance & Procurement, Section 151 Officer to make any necessary amendments to individual budget lines following the final Local Government Finance Settlement in line with existing virement rules that does not alter the net revenue budget requirement

(d) Opportunity to purchase affordable housing near Canterbury

At its meeting on 8 February 2024 (minute 542) Cabinet RECOMMENDED to Full Council:

That Council resolves to approve the purchase of the new affordable homes for the price specified in the confidential annex.

(e) Council Tax 2024/25

At its meeting on 8 February 2024 (minute 536) Cabinet RECOMMENDED to Full Council:

That Council approves the formal resolution set out in Appendix B to set the Council Tax for 2024/25 and that, if any of the precepting authorities change their precept figures before Council on 22 February, the Service Director Finance and Procurement be authorised to present to Council a revised resolution.

(f) Non- Domestic rates (Business rates) Discretionary relief policy

At its meeting on 8 February 2024 (minute 534) Cabinet RECOMMENDED to Full Council:

- a) Approve a revised business rates discretionary relief policy, in two volumes
- b) Approve the automatic award of relief to certain business types
- c) Approve a revised process for making decisions on relief applications in non-automatic award cases, on a case-by-case basis, via a scoring matrix procedure.

7 Recommendations to the Full Council from Committees and Boards.

Councillors are asked to view the reports considered by the various committees at the hyperlinks provided before considering the following recommendations to Full Council.

(a) Draft terms of reference for a community governance review of the parish boundary between the parished areas of Westbere and Hersden

At its meeting on 29 January 2024 the General Purposes Committee (minute 508) recommended:

1. That a Community Governance Review be conducted, in accordance with the Local Government and Public Involvement in Health Act 2007, and the timetable and terms of reference set out in the appendices to this report be approved;
2. That the Head of Corporate Governance, in consultation with the Head of Paid Service be authorised to take all necessary steps in relation to the review;
3. That the CGR Task and Finish Advisory Group be invited to consider the review and make recommendations to the committee.

(The report that the Committee considered should be viewed [online.](#))

(b) Updates to the Constitution

At its meeting on 13 February 2024, the Governance Committee (minute number 553) recommended:

that the proposed changes to the constitution be recommended to Council for approval, as follows -

1. To agree the amendments to Part 5, terms of reference of committees outlined in the report.
2. In relation to the changes proposed to the Audit Committee -
 - i) To include separation between cabinet membership and those charged with oversight on the Audit Committee in the Audit Committee terms of reference.

- ii) To consider whether to invite nominations for an independent member to serve on the Audit Committee.
3. To confirm the arrangements in relation to the Planning Sub Committee, and to delegate to the Planning Committee the ability to devolve the monitoring of conditions on other major applications, as necessary, to the Planning Sub Committee.
4. To remove the Herne Bay Residents Association from the list of amenity groups with a reserved speaking slot at the Planning Committee.
5. To amend the call-in procedures to allow 15 clear working days from receipt of a valid call-in to convene a meeting of the Scrutiny Sub Committee.
6. i) That the webcasting and hybrid technology is piloted at Cabinet and then rolled out to Council and other committee meetings when we are confident with the use and reliability of the technology.
ii) That the hybrid meeting protocol set out in Appendix D is adopted.
7. That the changes recommended to Article 12 (Statutory officer responsibilities) and Part 8.1 (Scheme of delegation from council to officers) outlined in the report are approved.
8. To amend the Financial Procedure Rules as set out in the report.

(The report that the Committee considered should be viewed [online.](#))

(c) Councillor Interest Governance Review Recommendations

Please note that there is a separate report to Council to accompany the referrals made by the Audit, Standards and Governance Committees.

At its meeting on 13 February 2024, the Governance Committee (minute number 554) recommended :

That delegated authority be given to the Monitoring Officer, in consultation with the Head of Paid Service, to:

- a) amend the Members Code of Conduct to include the requirement for Members to register all directorships as Other Registrable Interests, whether or not they include a pecuniary interest;
- b) make further changes to the constitution that relate to the proposed amendments to the Members' Code of Conduct, including for example, changes to procedure rules in terms of when members with a DPI and OSI may speak at a meeting to mirror the addition of Other Registrable Interests and in relation to sensitive interests;
- c) amend the Arrangements for dealing with Councillor Conduct Complaints to require the Monitoring Officer to refer a matter to the police where there is a potential criminal offence regarding the failure by a Councillor ***or Former Councillor** to appropriately disclose a Disclosable Pecuniary Interest (Localism Act 2011).

* In relation to recommendation (c), the Standards Committee recommended the inclusion of the words 'or Former Councillor' after the word 'Councillor'. This was

supported by the Governance Committee and is reflected in the recommendation above. Full details of the Standards Committee minutes can be found elsewhere in the council agenda.

(The report to the Governance Committee can be viewed [online](#) here, together with the [supplement](#))

8 Councillors questions

To answer any questions from Councillors under Rule 10 of the Council Procedure Rules.

Details of any questions received will be reported at the meeting.

(Note: There is a time limit of one minute for asking a question and three minutes for its answer, with supplementary questions being allowed, with a total of 30 minutes for all questions).

9 Notices of Motion

a) Monitoring of S106 agreements

Proposed by Councillor Carnac
Seconded by Howes.

This Council believes that residents should receive the infrastructure and amenities they are promised when they buy a new home and that developers and this Council should be held accountable for their legal obligations within S106 agreements.

This Council will produce a quarterly report detailing performance against financial, programme and other obligations of all parties within S106 agreements of which this Council is a party. The report will be issued to all members of this council.

Increasing transparency on performance against commitments will provide confidence to communities that promises will be delivered on.

(The Lord Mayor has been advised that this motion should be referred to the Cabinet without debate. Where a matter is referred to Cabinet, the Lord Mayor will permit the Leader or nominated Cabinet member to provide an initial response to the Motion. No further debate will be allowed.)

10 Changes to memberships of committees and boards and notification of changes to lead councillor roles

TO ACCEPT the nomination(s) of the political group leaders.

11 Minutes

TO CONFIRM as a true record the minutes of the meeting of the Council held on 4 January 2024.

(a) Council - Thursday, 4 January 2024 (Pages 55 to 69)

12 To receive the following minutes of the meetings specified and to receive questions and answers on any of the minutes

(Note: By virtue of Article 17.03 of the Council Procedure Rules there shall be no amendment to resolved minutes, save on the written advice from the Monitoring Officer and/or the Chief Financial Officer).

- a. Audit Committee - Wednesday 24 January (to follow after publication)
- b. Cabinet - Thursday 8 February (to follow after publication)
- c. General Purposes Committee - 29 January 2024 (Pages 70 to 72)
- d. Governance Committee - 13 February 2024 (to follow after publication)
- e. Licensing Sub Committee - Wednesday 10 January 2024 (Pages 73 to 80)
- f. Overview and Scrutiny Committee - Thursday 25 January 2024 (Pages 81 to 88)
- g. Planning - Tuesday 9 January 2024 (Pages 89 to 93)
- h. Standards Committee - Wednesday 7 February 2024 (Pages 94 to 97)
- i. Whitstable Harbour Board - Friday 19 January 2024 (Pages 98 to 101)

13 Programme of meetings for 2024/25 (Pages 102 to 103)

TO CONSIDER the adoption of the draft programme of meetings 2024/25.

14 Notices of urgent decisions made by the Head of Paid Service under delegation

There are no notices of decisions made by the Head of Paid Service under delegation for this meeting.

15 Any other urgent business to be dealt with on the night

Council
22 February 2024

Subject: Councillor Interest Governance Review Recommendations

Director and Head of Service:

Tricia Marshall - Director Corporate Services

Jan Guyler - Head of Legal Services and Monitoring Officer

Officer:

Jan Guyler - Head of Legal Services and Monitoring Officer

Cabinet Member:

Mike Sole

Key or Non Key decision: Non Key

Decision Issues:

These matters are within the authority of full Council.

Is any of the information exempt from publication:

This report is open to the public.

CCC ward(s): All

Summary and purpose of the report:

To consider proposed implementation of recommendations made by the Councillor Interest Governance Review, Audit Committee, Standards Committee and Governance Committee.

To Resolve

That delegated authority be given to the Monitoring Officer, in consultation with the Head of Paid Service, to:

- a) **amend the Members Code of Conduct to include the requirement for Members to register all directorships as Other Registrable Interests, whether or not they include a pecuniary interest;**
- b) **make further changes to the constitution that relate to the proposed amendments to the Members' Code of Conduct, including for example, changes to procedure rules in terms of when members with a DPI and OSI may speak at a meeting to mirror the addition of Other Registrable Interests and in relation to**

sensitive interests;

- c) amend the Arrangements for dealing with Councillor Conduct Complaints to require the Monitoring Officer to refer a matter to the police where there is a potential criminal offence regarding the failure by a Councillor or former Councillor to appropriately disclose a Disclosable Pecuniary Interest.**
-

Next stage in process:

Should full Council approve the proposed amendments to the Constitution and provide delegated authority to the Monitoring Officer to make those proposed amendments, the Monitoring Officer will prepare draft proposed amendments to the constitution which will then be referred to the Head of Paid Service.

The new forms/process note were noted by the Audit, Standards and Governance Committee. The Governance Committee requested a further amendment to the declaration in the Call for Sites Submission form. The Monitoring Officer will liaise with planning officers to update this form to include the need for a declaration from members / officers/ relations of where they have a directorship in a company which owns shares in land being put forward. This is an operational task and the form will be reconsidered by Management Team.

Following the recommendation from the Audit Committee there will be a report to the Cabinet to consider whether an external investigation should be carried out.

1. Introduction

There has been considerable public interest in a Private Eye article about the inclusion of a site owned by councillors in the draft local plan and allegations that planning permission had been granted for that site, all without appropriate levels of transparency. This prompted CCC to ask the East Kent Audit Partnership (EKAP) to undertake an investigation to review the adequacy and effectiveness of governance arrangements for potential parcels of land owned by officers or members to be considered for inclusion in the Local Plan. EKAP's work did not include an investigation regarding the conduct of Councillors that would normally be carried out by the Monitoring Officer in relation to Members' Code of Conduct complaint.

2. Detail

The EKAP Governance Review report and covering report from the Audit Committee on 24 January 2024 are attached to this report as Appendix 1. The EKAP report makes three recommendations which are set out below together with an overview of how each will be implemented.

The Audit Committee on 24 January 2024 made two further recommendations.,

The Standards Committee made one further recommendation which the Governance Committee considered and recommended to council it be incorporated. These are also set out below. The Minutes of the Audit Committee and Standards Committee are available elsewhere in the agenda.

EKAP R1- Consideration should be given to adding a declaration (similar to that on a Planning Application) seeking confirmation whether the landowner is an Officer, Member or is related to one. With a footnote to read, if this applies, to forward the information to the Monitoring Officer. The Monitoring Officer on receipt of such information may then ensure that any decisions made regarding the site are handled in accordance with the constitution, and also will be prepared to provide advice regarding declaring interests, and briefing colleagues as necessary.

Implementation - Planning Officers have updated their Call for Sites Submission Form to include a Declaration by Employees or Members where they are putting forward sites to flag for the planners a potential conflict of interest. Planning Officers have also updated their Process Note to require them to record that any Authority Employee / Member declaration has been appropriately reviewed and that the Monitoring Officer has been contacted where necessary. The Form is attached as Appendix 2 and the Process Note as Appendix 3.

The form is used at the information gathering stage of the Strategic Land Availability Assessment (SLAA) process which is prescribed in national planning policy and guidance. No amendments to the constitution are required.

Following a recommendation at the Governance Committee that this declaration should also be completed where a member / officer / relation of is a director of a company that owns shares of land, the Monitoring Officer will liaise with the Planning Officers to update the form accordingly and refer it back to Management Team for consideration/approval as this is an operational matter.

EKAP R2 - Consideration to adopt (in the next updated version) the wording of the Model Code to include the requirement to declare “a) any unpaid directorships”.

Implementation - The blanket requirement to register unpaid directorships as Other Registrable Interests as well as directorships that amount to DPI’s would provide further transparency and avoid the risk of misunderstanding the legislation in terms of what does and does not amount to a DPI.

It is therefore proposed that delegated authority be given to the Monitoring Officer to make the necessary amendments to CCC’s Members’ Code of Conduct to incorporate this requirement. The Members’ Code of Conduct forms part of the Council’s Constitution so will require the approval of full Council to make the proposed changes.

Further amendments to the Constitution are required in the Procedure Rules in terms of when a Member can speak on an agenda item, or not, when they have a Disclosable Pecuniary Interest (DPI), Other Significant Interest (OSI) and reference to Other Registrable interests will need to be added to this section. The Monitoring Officer will undertake a careful check of the Constitution as a whole to identify whether any other sections need to be updated to reflect this change and action the changes accordingly. The Monitoring Officer would usually make track changes to the relevant sections of the constitution but at present

is unable to gain access to the system to action this therefore the delegated authority is sought to enable the Monitoring Officer to make the changes once the system is available.

EKAP R3 - Consideration given to adopting a 'control sheet' to record all s32 requests received, the evidence reviewed and the outcome of the decision (whether granted or denied) to be retained by the Monitoring Officer.

Implementation - It is proposed that the draft form proposed at Appendix 3 of the Councillor Interest Governance Review report be adopted with the addition of a summary of the provisions of S32 of the Localism Act 2011 provided on the second page of the form as a reminder of the legal test and the table setting out the evidence has been made larger to allow information to be added. This form will be completed by the Monitoring Officer and record the Member's reasons for seeking a s32 Sensitive interest, evidence to support the request and the MO's decision. It will then be stored in the Legal Services case management system, which has the facility to significantly limit access to the document so it remains confidential. The Constitution will be checked to identify any necessary amendments to reflect this change and changes made by the MO under this delegation.

R4 - Proposed by the Audit Committee - The Arrangements for dealing with Councillor Conduct Complaints, which form part of the Constitution, be amended so that if officers are aware of any possible criminal offences they report it to the police. The Arrangements currently provide that while assessing a councillor conduct complaint it transpires that there is a potential criminal offence in relation to a Councillor's failure to disclose a DPI then the Monitoring Officer should advise the complainant to refer the matter to the police.

Implementation - It is proposed that paragraph 4.4 of Annex 1 of the Arrangements be amended to read as follows: "If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Councillor **or former Councillor** or any other person, the Monitoring Officer shall report the complaint to the police or other prosecuting or regulatory authority....."

R5 - Proposed by the Audit Committee - A recommendation to Cabinet that an external investigation is carried out.

Cabinet will consider this recommendation and if any issues arise for the Standards Committee and Governance Committee the matter will come to a future committee.

R6 - Proposed by the Standards Committee - that the Monitoring Officer reports any potential criminal offence to the police in relation to former Councillors as well as serving Councillors or any other person. This has been added in bold to the suggested wording of paragraph 4.4 of Annex 1 of the Arrangements as set out in the "implementation" paragraph regarding R4 above.

3. Further updating information

The Council has been asked to clarify some information provided in the Audit Committee papers. Accordingly the following verbal update was provided by the Monitoring Officer at the Standards Committee meeting on 7 February and the Governance Committee on 13 February and has been included in the Minutes of those Committees, which are available

elsewhere in the agenda:

Christine Parker, who undertook the Governance Review presented to the Audit Committee on 24 January 2024 has asked me to make a correction regarding updated advice she had previously relied on in her report.

The former Councillor's directorship in the company CCH Milton Manor Park Limited does not amount to a Disclosable Pecuniary Interest and did not therefore need to be registered as an interest at the time.

Having reviewed the information available on Companies House and the relevant legislation (Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464) it is noted that in order to be a DPI the company needs to be registered in or own land in Canterbury City Council's area PLUS the Councillor has shares over a set threshold.

In this case the company is registered to an address in Hythe and does not own any land. The shares being over the threshold is not enough in itself to amount to a DPI.

This clarification does not however have any impact on the recommendations made in the Governance Review and the suggested way forward to implement those recommendations set out in the report to the Standards Committee remains as set out in the report.

The EKAP Governance Review report at paragraph 3.2 (penultimate paragraph) states that the company referred to above did not trade nor hold any assets as per the public record.

For the avoidance of doubt the company is and always was a dormant company. It was registered to an address in Hythe and does not, nor did it ever, have a place of business or own any land in the City Council area.

Christine Parker, EKAP, has provided a supplementary report to clarify matters following further legal advice, which is attached as Appendix 4.

We have submitted this report for external legal opinion to ensure there are no other legal issues.

4. Relevant Council policy, strategies or budgetary documents

Where relevant, these have been referred to within this report.

5. Consultation planned or undertaken

The issues raised in this report do not require a consultation.

6. Options available with reasons for suitability

Option 1 - To Resolve as set out in page 1.

Option 2 - To amend the recommendations

Option 3 - To reject the recommendations.

7. Reasons for supporting option recommended, with risk assessment

Option 1 is recommended as it provides a resolution for all three recommendations of the EKAP audit, one of the two recommendations made by the Audit Committee and the one recommendation made by the Standards Committee (which was recommended to council by the Governance Committee). The forms are user friendly and provide more clarity and the suggested amendments to the Members' Code of Conduct and other sections of the Constitution will provide greater protection for members as the legislation on directorships as DPs is confusing.

Options 2 and 3 run the risk of not meeting the recommendations from the EKAP report and earlier Committee meetings.

8. Implications

(a) Financial

None identified.

(b) Legal

None identified.

(c) Equalities

None identified.

(d) Environmental including carbon emissions and biodiversity

None identified.

Other implications

Not applicable.

Contact Officer: Jan Guyler, Head of Legal Services & Monitoring Officer

Background documents and appendices

Appendix 1 - Audit Committee papers (Councillor Interest Governance Review and covering report)

Appendix 2 - New form to be used by Planning Officers when preparing a local plan

Appendix 3 - New Process Note to be used by Planning officers

Appendix 4 - Supplementary report by Christine Parker, EKAP

Additional document(s) containing information exempt from publication:

No

Audit Committee
24 January 2024

Subject: Governance Review - Local Plan Interests

Director and Head of Service:

Corporate Services Director and Head of Paid Service - Tricia Marshall

Officer:

Head of Audit - East Kent Audit Partnership

Cabinet Member: not applicable

Key or Non Key decision: not applicable

Decision Issues:

These matters are within the authority of the Committee

This report is open to the public.

CCC ward(s): not applicable

Summary and purpose of the report:

To report back on a special audit commissioned on governance arrangements around local plan interests.

To Note:

The outcome of this audit report and the related action plan

Next stage in process:

To implement the agreed actions arising from the audit review.

1. Introduction

In September a special audit review was commissioned from the East Kent Audit Partnership. The terms of reference for that review were signed off by the political group leaders and were to:

1. Review the processes surrounding the inclusion of the Milton Manor site into the draft Local Plan and whether they complied with the Council's constitution and any other relevant Council procedures or guidance in place at the time;
2. Comment on whether improvements could practically be made to the constitution or any other relevant Council procedures or guidance in order to improve transparency and public confidence in decision making on the Local Plan and sites allocated within it for development that are owned by councillors or officers;
3. Similarly, review the processes around any planning applications and screening/scoping opinion requests relating to this site;

4. Comment on whether improvements could practically be made to the constitution and any other relevant Council procedures or guidance in order to improve transparency and public confidence in consideration of planning applications/opinion requests by councillors or officers; and
5. Comment on the submitted evidence supporting a request for anonymity under s32 of the Localism Act and seek assurance that the decision to grant anonymity was proportionate, consistent and justified on all three occasions. - to include a review of the MO's previous decisions in 2015 and 2019 (- while maintaining confidentiality over the details).

The Audit report for the review is attached as an appendix to this report.

EKAP's work did not include any investigation that would normally be carried out by the Monitoring Officer as a Code of Conduct complaint as that was, appropriately, outside the scope of the audit.

Some questions have been raised about this matter that are outside the scope of the audit review.

In response some information is set out below to assist councillors' understanding of this matter.

2. Detail

Classification of Milton Manor as a sensitive interest

1) The two councillors appropriately registered their interest in the property by including it in a Disclosable Pecuniary Interest (DPI) form submitted to the Monitoring Officer.

2) The address of that property was appropriately withheld from the published DPI form in accordance with s32 of the Localism Act 2011 due to the councillors being at risk of threats and intimidation. That is a decision for the Monitoring Officer to make.

Three consecutive Monitoring Officers assessed the risks and considered it appropriate to consider the property address to be a sensitive interest.

The test is whether the Councillors are at risk of threats and intimidation. The planning status of the property is not relevant.

Council decision making on the draft local plan

3) Agents acting on behalf of the councillors put the site forward for the local plan and advised the planners that the site was owned by the two (now former) councillors.

4) The draft local plan was put together by CCC officers who are professional planning officers. The Leader had no active role in selecting one site above another.

5) There is no legal requirement to set up a cross party working group to develop a local plan; that is a matter of choice and the previous leader chose not to establish such a group.

6) The only decision taken by the Council in relation to the draft local plan was the decision of Cabinet on 19 October 2022 to put the draft local plan out for public consultation. LJR and MJR did not attend or take any part in that Cabinet meeting.

7) The meeting of full council held on 5 January 2023 received the minutes of the Cabinet meeting held on 19 October 2022. LJR and MJR were present at that council meeting. The Cabinet minutes had already been resolved by Cabinet at its meeting on 9 November 2022. Minutes of other meetings are “received” at Full Council only for the purpose of asking questions or making comments – the minutes have already been “approved” by the Meeting to which they relate as being a correct record of proceedings.

There was no discussion on the minutes so in the absence of any dissent they were received by general assent. As there was no discussion regarding the draft local plan at the full council meeting there was no need for LJR and MJR to disclose an interest in the property or abstain from voting by general assent.

8) There is no prohibition on councillors investing in property. If they do, they need to ensure that they do not gain an advantage from their position as councillor.

9) In light of the above declarations and no participation in council decision making there is no evidence that LJR and MJR gained an advantage due to their Councillor positions.

Handling complaints about councillor conduct

10) Any complaints about individual councillor conduct are referred to the Monitoring Officer for investigation.

11) The Council's arrangements for dealing with Councillor Conduct Complaints requires that any complaint regarding former councillors shall fail the first screening test (paragraph 1.2 (g) of Annex 1). This would apply to any conduct complaint about the former councillors Jones Roberts and Fitter-Harding.

If that was not the case, on the information available to date, the complaint would most likely fail the second screening test, the local assessment criteria test, on the basis that the complaint has been the subject of an investigation or other action and there is nothing more to be gained by further action being taken (paragraph 1.5(i), Annex 1).

12) In relation to whether LJR and MJR were “friends” of the former Leader, BFH, rather than merely colleagues as Councillors, that would be for BFH to consider at the Cabinet meeting stage and whether that amounted to an Other Significant Interest (OSI) which should have been declared at the Cabinet Meeting.

However, even if there was an OSI, the nature of the decision merely to go out to consultation would be unlikely to be so significant that it is likely to prejudice his

judgement of the public interest. The decision as to whether to include the site in the next draft local plan is yet to be considered and will require further planning decisions regarding that specific site going forward and would not therefore amount to an OSI.

13) Any allegation regarding a Councillor's failure to register/declare their pecuniary interests is a matter for the police to investigate. I understand that this has been reported to the police and it would not be appropriate for me to comment further.

Audit recommendations

The report contains three recommendations for enhancements to current arrangements for declaring interests. All three recommendations are being actioned by officers and they will be taken to relevant committees where council approval is required for their implementation.

3. Relevant Council policy, strategies or budgetary documents

None except those referred to in the appendix.

4. Consultation planned or undertaken

For noting only, no consultation required.

5. Options available with reasons for suitability

For noting only.

6. Reasons for supporting option recommended, with risk assessment

For noting only.

7. Implications

None identified.

(a) Financial

None

(b) Legal

None

(c) Equalities

None

(d) Environmental including carbon emissions and biodiversity

None

Contact Officer: Tricia Marshall, Corporate Services Director and Head of Paid Service

Background documents and appendices

Appendix - EKAP report Governance Review - Local Plan Interests

Additional document(s) containing information exempt from publication:

No

Governance Review - Local Plan Interests

1.0 Information

Summary of Scope:	To review the adequacy and effectiveness of governance arrangements for potential parcels of land owned by officers or members to be considered for inclusion in the Local Plan. EKAP's work will not include any investigation that would normally be carried out by the Monitoring Officer as a Code of Conduct complaint.
Commissioning Manager:	Head of Paid Service
Date Commenced:	19.09.23
Date Concluded:	23.11.23

2.0 Schedule of Meetings Held

Capacity (employee, witness, manager)	Date of meeting	Scope of Meeting
Manager	20.09.23	Outline the processes involved in compiling the Draft Local Plan
Manager	22.09.23	Outline Constitution and Decision Making processes
Manager	22.09.23	Explain s.32 Localism Act processes and the three decisions made
Manager	09.10.23	Outline the changes to the New Local Plan and new Member Working Party arrangements
Manager	24.10.23	Local Plan process and political decisions made
Witness	27.10.23	To receive evidence of allegations of wrongdoing and how that impacts the scope of this review
Manager	01.11.23	Interim update meeting, to cover several outstanding questions

3.0 Findings

There has been considerable public interest in a Private Eye article about the inclusion of a site owned by councillors in the draft Local Plan and allegations that planning permission had been granted for that site, all without appropriate levels of transparency. As a result, EKAP is being asked to:

3.1 Review the processes surrounding the inclusion of the Milton Manor site into the draft Local Plan and whether they complied with the Council's constitution and any other relevant Council procedures or guidance in place at the time;

Meetings were held with relevant staff to gain an understanding of the overall process and the adopted procedures. The relevant requirements for local authorities is set out in [Section 3](#) of the [National Planning Policy Framework](#) (NPPF) which requires that each local planning authority should prepare a Local Plan for its area.

The Council's Constitution provides the framework for the rules for all decision making and delegations. In relation to the Local Plan process the stages for decision making were all in accordance with Council procedure. The key decision making points are listed on the Timeline at Appendix 1.

The call for sites is not limited to a certain stage in preparing a plan as nominations for land to be evaluated and considered may be received at any time. However an early step in the formal process is the advertisement to the 'world at large' for the call for sites. The digital form used by the Council for submissions to be made does not require a declaration to be made regarding whether the landowner of the submitted site is either an officer or member of the Council, or is related to one. This fact was benchmarked with other East Kent councils resulting with none of the councils requiring such a declaration at this stage. It was determined, this is not a requirement at a scoping stage or screening opinion or pre-planning advice stage either. In fact, of course any of these submissions may be made by an agent or developer at any time without the landowner yet 'being on board' or even aware.

In this specific case, the agent wrote (an email 15.07.20) separately to the planning team advising them of the ownership details of the land, with the clear intention to declare the ownership, stating: *"Whilst the form did not enquire as to the nature of the landowners and whether they have a connection to the Council, both Councillors are keen to ensure that their land ownership is known by officers to ensure disclosure"*. There was however a missed opportunity, as the information was not passed to the Monitoring Officer at that time.

Recommendation 1

Consideration should be given to adding a declaration (similar to that on a Planning Application) seeking confirmation whether the landowner is an Officer, Member or is related to one, adding a box for agents / developers with the option stating 'Not Known'. With a footnote to read, if this applies, to forward the information to the Monitoring Officer. The Monitoring Officer on receipt of such information may then ensure that any decisions made regarding the site are handled in accordance with the Constitution, and also will be prepared to provide advice regarding declaring interests, and briefing colleagues as necessary.

3.2 Comment on whether improvements could practically be made to the Constitution or any other relevant Council procedures or guidance in order to improve transparency and public confidence in decision making on the Local Plan and sites allocated within it for development that are owned by councillors or officers;

There is National Guidance for Councillors in respect of interests and the expectation of complying with the Seven Principles of Public Life, this includes a paragraph which reads;

“What are pecuniary interests?”

A person’s pecuniary interests are their business interests (for example their employment, trade, profession, contracts, or any company with which they are associated) and wider financial interests they might have (for example trust funds, investments, and assets including land and property)”.

This National Guidance also provides a link to a Model Code of Conduct for Members, and informs the reader that *“Within the requirements of the national rules it is for your council or authority to determine what is to be entered in its register of members’ interests”.*

The Council’s Code sets out clearly what is to be declared in the register of interests, and this is shown at Appendix 2. The only relevant difference identified as part of this review, between CCC’s current Members’ Code of Conduct, and the Model Code is at appendix B Table 2: Other Registerable Interests, where the Model Code states;

“You must register as an Other Registerable Interest : a) any unpaid directorships”

The remainder of the table is the same in both (see Appendix 2).

The Council’s Members’ Code of Conduct is a collaborative code discussed, and agreed via the Kent Secretaries network then adopted by each of the local authorities. The Monitoring Officer has confirmed that *“once the LGA Model Code was published the Kent Secretaries group set up an officer’s working group to consider the Model Code and propose an amended Kent Code accordingly. A lot of the Model code was added to the Kent Code, the bits that were not incorporated were ones that exceeded what legislation requires”.*

The circumstances of this case include an allegation that a company directorship was incorrectly omitted from the Register of Interests. However, a review of Companies House records confirmed that the specific circumstances were such that it did not need to be declared as the company did not operate *“for profit or gain”* - it did not trade nor hold any assets per the public record. After looking more closely at the provision under Part 8 however, it would appear that part b) (ii) does apply to this case as the shares held exceed 1/100th of the total issued share capital in CCH Milton Manor Park Ltd. Meaning that this should have been declared under 8 Part G. Whether this is a breach of the Localism Act 2011 or not, is outside the scope of this review .

If the Council were to adopt part a) above from the Model Code, into its own Members’ Code this would prevent any ‘uncertainty’ in future, as in future all positions of office would need to be declared.

Recommendation 2

Consideration to adopt (in the next updated version) the wording of the Model Code to include the requirement to declare “a) any unpaid directorships”.

Alternatively to be discussed at Kent Secretaries regarding some additional wording added after the definition of Other Significant Interests (OSI's) in the Members' Code to provide some examples of OSI's which could include highlighting that members need to be alive to any directorship, even if they don't receive financial gain.

3.3 Similarly, review the processes around any planning applications and screening/scoping opinion requests relating to this site;

The timeline at Appendix 1 records interactions with the Council by the agents acting for the landowners in respect of screening, scoping, pre planning advice, planning interactions; also summarised as follows:-

- 14.12.22 Screening report
- 02.03.23 Pre planning advice
- 26.05.23 EIA scoping report
- 20.09.23 Outline Planning Application

None of the first three stages require a declaration regarding whether the application is on behalf of a member or officer of the Council (or a close associate of one), by the time the Planning Application was submitted (September 2023), (which does require such a declaration) the landowners were no longer serving councillors and thus did not apply.

No recommendation for improvement needed, but cross reference this to the spirit of Recommendation 1.

3.4 Comment on whether improvements could practically be made to the constitution and any other relevant Council procedures or guidance in order to improve transparency and public confidence in consideration of planning applications/opinion requests by councillors or officers;

The Constitution clearly sets out at Appendix E - its Planning Code of Practice. Paragraph 6 of which covers “development proposals submitted by councillors, officers and Council development”. There are no enhancements required at this time, the protocol and standing order is very clear.

<https://democracy.canterbury.gov.uk/documents/s117324/Appendix%20E%20-%20Planning%20Local%20Code%20of%20Good%20Practice.pdf>

No recommendation for improvement needed, but cross reference this to the spirit of Recommendation 1.

3.5 Comment on the submitted evidence supporting a request for anonymity under s32 of the Localism Act and seek assurance that the decision to grant anonymity was proportionate, consistent and justified on all three occasions. - to include a review of the MO's previous decisions in 2015 and 2019 (- while maintaining confidentiality over the details).

The Monitoring Officer (MO) explained that the decision to permit anonymity under s.32 of the Localism Act had been taken three times, as follows;

- 2015 - Monitoring Officer Sarah B
- 2019 - Monitoring Officer Stephen B
- 2023 - Monitoring Officer JG

There was no documented file retained covering the evidence considered in 2015 or 2019 to agree to the request under s.32. Such a request remains in place until circumstances change and the Councillor updates that it may be removed, or is removed when the Councillor is no longer in office. It does not automatically expire or require annual review. The 2023 assessment was made on 07/02/2023 and was considered and granted by the Monitoring Officer the same day. The published interests therefore indicated that five properties had been disclosed to the MO, and that these were to remain undisclosed under s32. It is not for this review to challenge the decision of the Monitoring Officer, the 2023 decision is recorded and the outcome was shared with the senior governance colleagues via email.

The local news covered an article 21.09.23, claiming to be quoting the individual concerned, and the article expresses some detail regarding the personal safety of the individual.

<https://www.kentonline.co.uk/canterbury/news/nightclub-owner-s-manor-house-could-become-100-home-estate-293784/>

*“I am nervous about people knowing where I live because of what I do for a living”. “People know when we’re at work - our cars are parked outside the venue. They know when the house hasn’t got us in it. Our kids are here with a babysitter, and it scares the s*** out of me, to the point where sometimes I’ll be at work and I have to come home.” Mrs Jones-Roberts says over the years she has been the subject of intimidation and even “murder threats” while at work. “There are nasty, violent people about,” she said.”*

Recommendation 3

Consideration given to adopting a ‘control sheet’ to record all s.32 requests received, the evidence reviewed and the outcome of the decision (whether granted or denied) to be retained by the Monitoring Officer (draft proposed at Appendix 3).

4.0 Conclusion leading to Recommendations

- 4.1 Agreed processes for including the site into the Draft Local Plan were followed, an opportunity to enhance public confidence in compiling the Local Plan was identified in **Recommendation 1**.
- 4.2 The majority of required declarations of interest were made, but a directorship in a non trading company with shares of £25 value was not declared. To remove any uncertainty, consideration could be given to adopting the wording of the Model Code into the next version of the Council's Members' Code of Conduct to include as Other Registerable Interests "*any company with which they are associated including any unpaid directorships*", as set out in **Recommendation 2**.
- 4.3 Agreed processes for planning applications and screening/scoping opinion requests relating to this site were followed, an opportunity to enhance public confidence was identified in **Recommendation 1**.
- 4.4 Potential improvements to the Constitution or any other relevant Council procedures or guidance in order to improve transparency and public confidence in consideration of planning applications/opinion requests by councillors or officers were not identified; but as in 4.1 and 4.3 above one opportunity to ensure these circumstances are not ever repeated is set out in **Recommendation 1**.
- 4.5 The use of s.32 of the Localism Act was considered by three different Monitoring Officers, the records for which may be standardised and retained through the use of a control sheet as suggested in **Recommendation 3**.

5.0 Summary of Appendices Attached

- Appendix 1** - Timeline
- Appendix 2** - Required Declarations from CCC Members' Code of Conduct
- Appendix 3** - Suggested Control Sheet for Recording s.32 Requests and their outcome
- Appendix 4** - Action Plan of Recommendations

Timeline

 = Committee Process

Date	Relevant Event / Action	Outcome
08.05.19	New Member declarations to MO following Elections	5 private addresses correctly declared. Withheld from the public register under s.32. Directorships in several companies included but CCH MMP Ltd. was not declared. 25% shareholder after resignation until it was dissolved 14.09.21
30.06.20	Call for Sites submission submitted electronically to the Council Call For Sites 30.06.20 APZNA~1.PDF	Iceni Projects agents submitted the form which covers more than this one site.
15.07.20	Email from Agents to Planning re Call For Sites alerting to MM being in the name of CCH Build Solutions Ltd. being owned by the Cllrs.	Received by the Planners undertaking the scoring for the land submitted as part of the call for sites assessment process. (ST advised the Planners to advise the Cllrs to update the MO- it was not passed on to the MO by officers).
27.05.21	Policy Committee received the report: <i>Canterbury District Local Plan to 2040 - options consultation</i> - see minute 13 "The consultation did not include specific sites. However, at the next stage, when the draft Local Plan was published, a draft selection of sites would be included for public consultation." https://democracy.canterbury.gov.uk/documents/g12630/Printed%20minutes%2027th-May-2021%2019.00%20Policy%20Committee%20-%20Decommissioned%2019522.pdf?T=1	Cllr LJ-R was in attendance declared a financial interest in one of the sites submitted in the call for sites in the Local Plan to 2040, and abstained from voting; as recorded in the minutes.
19.10.22	Cabinet received the report: <i>Draft Local Plan - seeking approval to consult</i> https://democracy.canterbury.gov.uk/documents/s119631/Minutes.pdf	It was resolved to approve to enter into consultation under regulation 18. Cllr L J-R was not in

		attendance.
14.12.22	<p>Overview & Scrutiny received the report: <i>Consultation on the draft Canterbury District Local Plan To 2045 and associated strategies and plans</i></p> <p>https://democracy.canterbury.gov.uk/ielistDocuments.aspx?CId=756&MId=13306&Ver=4</p>	<p>Opportunity for members of the Overview and Scrutiny Committee to gain a greater understanding of the key strategies within the draft Canterbury District Local Plan comments would be fed into the consultation process which closed 16 January 23. Cllr L J-R was not in attendance.</p>
14.12.22	<p>EIA Screening Report</p> <p>https://pa.canterbury.gov.uk/online-applications/applicationDetails.do?keyVal=RN4TDPEA05C00&activeTab=summary</p>	<p>Decided - Development could have significant effects on the environment, thus an EIA is required.</p>
05.01.23	<p>Council Agenda Item 14: <i>To receive the following minutes of the meetings specified and to receive questions and answers on any of the minutes</i></p> <p>https://democracy.canterbury.gov.uk/ielistDocuments.aspx?CId=138&MId=13110&Ver=4</p>	<p>Received by general assent the minutes of Cabinet 19.10.22 (which resolved to go out to consultation on the Draft Local Plan). Cllr L J-R was in attendance. As there was no debate or vote, there was no requirement to declare any interest in the Cabinet minutes.</p>
07.02.23	<p>The Monitoring Officer reconsidered and decided on a request under s.32 of the Localism Act.</p>	<p>The home address of both Cllrs L J-R and M J-R was not published on the register of interests.</p>
02.03.23	<p>Pre- Planning Advice was issued, the standard fee of £5,304 was paid.</p>	<p>Written Planning Advice issued regarding the site.</p>
26.05.23	<p>EIA Scoping Report</p> <p>https://pa.canterbury.gov.uk/online-applications/applicationDetails.do?keyVal=RV9W8UEA01U00&activeTab=summary</p>	<p>Decided - No Objection</p>
20.09.23	<p>Outline Planning Application ref; CA/23/01766 received by the Council</p> <p>https://pa.canterbury.gov.uk/online-applications/applicationDetails.do?keyVal=S19Y7MEA04Q00&activeTab=summary</p>	<p>Validated and commenced processing. The applicants are no longer Councillors.</p>

Appendix 2

Extract from the Constitution - Members' Code of Conduct

DISCLOSABLE PECUNIARY INTERESTS, AS PRESCRIBED BY REGULATIONS, ARE AS FOLLOWS:

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession, or vocation carried on for profit or gain.
Sponsorship	Any payment or provision of any other financial benefit (other than from the relevant authority) made or provided within the relevant period in respect of any expenses incurred by M in carrying out duties as a councillor, or towards the election expenses of M. This includes any payment or financial benefit from a trade union within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992.
Contracts	Any contract which is made between the relevant person (or a body in which the relevant person has a beneficial interest) and the relevant authority: a) under which goods or services are to be provided or works are to be executed; and b) which has not been fully discharged.
Land	Any beneficial interest in land which is within the area of the relevant authority.
Licences	Any licence (alone or jointly with others) to occupy land in the area of the relevant authority for a month or longer.
Corporate Tenancies	Any tenancy where (to M's knowledge): a) the landlord is the relevant authority; and b) the tenant is a body in which the relevant person has a beneficial interest.

Securities	Any beneficial interest in securities of a body where: a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; and b) either: (i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or (ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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The National Model Code goes further and also includes;

Table 2: Other Registrable Interests

You must register as an Other Registrable Interest : a) any unpaid directorships b) any body of which you are a member or are in a position of general control or management and to which you are nominated or appointed by your authority c) any body (i) exercising functions of a public nature (ii) directed to charitable purposes or (iii) one of whose principal purposes includes the influence of public opinion or policy (including any political party or trade union)of which you are a member or in a position of general control or management

DRAFT s.32 Control Sheet

Date Request Received:

Submitted By:

Date Decision Made and Issued:

Decision Made By:

Test	Consideration / Evidence	Outcome
Necessity/ Justification	list any evidence submitted / link to emails etc.	Met / Not Met
Proportionality		Met / Not Met
Searches Made	Internet searches / electoral role other sources checked to test what is already easily available to the 'world at large'.	Met / Not Met

The request for s.32 is **Granted** /or **Denied** (delete as appropriate)

Signed:

Dated:

SUMMARY OF RECOMMENDATIONS AND ACTION PLAN

Priority	Main Control Risk	Audit Recommendation to mitigate risk	Proposed Action or Action Taken	Proposed Completion Date & Responsibility
High	A lack of shared / or siloed knowledge. may impair governance over Member's interests and the implications.	1. Consideration should be given to adding a declaration (similar to that on a Planning Application) seeking confirmation whether the landowner is an Officer, Member or is related to one, adding a box for agents / developers with the option stating 'Not Known'. With a footnote to read, if this applies, to forward the information to the Monitoring Officer. The Monitoring Officer on receipt of such information may then ensure that any decisions made regarding the site are handled in accordance with the Constitution, and also will be prepared to provide advice regarding declaring interests, and briefing colleagues as necessary.	Agreed	May 2024 Monitoring Officer
High	Councillors may overlook DPs in error.	2. Consideration to agree to adopt (in the next version) the wording of the Model Code to include the requirement to declare "a) any unpaid directorships". Alternatively, to be discussed at Kent Secretaries, regarding some additional wording added after the definition of Other Significant Interests (OSI's) in the Members' Code to provide some examples of OSI's which could include highlighting that members need to be alive to any directorship, even if they don't receive financial gain.	Agreed	May 2024 Monitoring Officer
High	Lack of management trail leading to ineffective handover/ evidence.	3. Consideration given to adopting a 'control sheet' to record all s.32 requests received, the evidence reviewed and the outcome of the decision (whether granted or denied) to be retained by the Monitoring Officer (draft proposed at Appendix 3).	Agreed	May 2024 Monitoring Officer



Canterbury District Call for Sites Submission Form

You will need to provide:

- Details about who you are;
- A location plan;
- Information about the availability and ownership of the site; and
- Information about what you think it could be developed for

About you

The contact details provided will be used as the main contact for the site submission.

If you are completing this form on behalf of a client or an organisation, you will also be required to provide their details later in the form.

All questions with an asterix () are required fields.*

First name*

.....

Last name*

.....

Email*

Please enter a valid email address

.....

Phone number

.....

Address line 1*

.....

.....
Town*

.....
Postcode*

.....
In what capacity are you completing this form?*

Personal/An individual

On behalf of a client

An organisation

Client address

If applicable please provide us with the address of the organisation that is submitting a site.

Client/Organisation name*

.....
Address line 1*

.....
Town*

.....
Postcode*

Authority Employee / Member Declaration

It is an important principle of decision-making that the process is open and transparent. For the purposes of this question, "related to" means related, by birth or otherwise, closely enough that a fair-minded and informed observer, having considered the facts, would conclude that there was bias on the part of the decision-maker in the local planning authority.

Do any of the following statements apply to you and/or client and/or landowner?

With respect to the authority, I am: (a) a member of staff (b) an elected member (c) related to a member of staff (d) related to an elected member

YES / NO

If Yes, please provide details of their name, role and how you are related to them.

.....

About the site

Site details

Site name*

.....

Site address*

.....

Site postcode

.....

Please attach a site location plan to the end of the form*

Site area (Hectares)

.....

Please choose the option that best describes the site from the options below*

Previously developed land

Not previously developed land

Mixed

Don't know

What is the current land use?*

If vacant, what was the last known use?

.....

Site ownership

What is your interest in the site?*

Landowner

Parish Council

Agent

Developer

Housing Association

Other

If Other please specify

Are you, or your client, Sole or Part owner of the site?*

Sole owner

Part owner

Not land owner

Other

Is the site being marketed?*

Yes

No

If Yes please provide details

.....

.....

.....

.....

.....

Are there any legal restrictions such as covenants or ransom areas?*

Yes

No

If Yes please provide details

.....

.....

.....

.....

.....

Planning History

Has the site previously been submitted to the council in a previous Call for Sites?*

Yes

No

Please specify the relevant Site Reference number if known*

.....

Are there any previous planning consents or applications? Please provide details of any previous planning consents or refusals*

.....

.....
.....
Have any previous assessments been undertaken? Please provide details of any previous assessments undertaken*

E.g. flood risk, drainage, minerals, transport, landscape

.....
.....
Is the site currently allocated in the adopted Local Plan?*

Yes

No

The Location of the Site

Is the site affected by any designation?*

Yes

No

If Yes please provide details

.....
.....
Is the site affected by contamination?*

Yes

No

Don't know

If Yes please provide details

.....
Are there any trees on your site subject to a Tree Preservation Order?*

Yes

No

If Yes please provide details

.....
.....
.....
.....
.....

Is vehicular access to the site possible?*

Yes

No

If Yes please provide details

.....
.....
.....
.....
.....

Does the site front a road or highway?*

Yes

No

If Yes please provide details

.....
.....
.....
.....
.....

Is the site in close proximity to a footpath or cyclepath?*

Yes

No

If Yes please provide details

.....

.....

.....

.....

.....

Is the site directly accessible by foot or bicycle?*

Yes

No

If Yes please provide details

.....

.....

.....

.....

.....

Is the site accessible by public transport?*

Yes

No

If Yes please provide details

.....

.....

.....

.....

.....

Is mains water available to the site?*

Yes

No

Don't know

Is mains wastewater available to the site?*

Yes

No

Don't know

Is mains electricity available to the site?*

Yes

No

Don't know

Is mains gas available to the site?*

Yes

No

Don't know

Is broadband internet available to the site?*

Yes

No

Don't know

Is mobile network available to the site?*

Yes

No

Don't know

If Yes please provide details

.....

.....

.....

.....

.....

Is the site affected by or in close proximity to uses which may impact how the site might be developed, such as power lines, pylons, railway lines, major highways or industrial and other noisy uses?*

Yes

No

If Yes please provide details

.....

.....

.....

.....

.....

Please tell us anything else about the location of the site and the physical features?
E.g. topography, severe slope, vegetation cover etc.

.....

.....

.....

.....

.....

Your proposal

The following questions are an opportunity for you to tell us what you think the site is suitable for.

Please give details of the proposal*
Please provide a high-level description of your proposal

.....

.....

.....

.....

.....

What is your proposed use?*

You can select more than one choice

- | | |
|--------------------------------|--|
| Housing | Affordable Housing |
| Student Accommodation | Older Persons Housing (C2 and wider) |
| Employment | Research and Development/sciences |
| Offices | Light Industrial |
| Storage and Distribution | General Industry |
| Retail | Sports and Leisure (incl Hotels) |
| Gypsy/Traveller Pitch | Community and Cultural facilities (incl Education) |
| Wildlife/Biodiversity Habitats | Other |

If other please provide details

.....

If applicable, what is the estimated capacity of floorspace (sqm)?

.....

If applicable, what is the estimated number of dwellings?

.....

What type of dwellings are proposed?

You can select more than one option

Housing (including bungalows)

Flats/apartments

Student bed spaces/studios

Affordable Housing

If the site is 11 dwellings or over can the site provide 30% affordable housing?*

Yes

No

Not applicable

What tenure are you proposing?*

You can select more than one option

Social rent

Affordable rent

Shared ownership

Other intermediate product

Don't know

Deliverability

What are the timescales for the delivery of your proposal?*

0 - 5 years

6 -10 years

11 years+

Please explain why you think the site can be developed within the selected timescale*

.....

.....

.....

.....

.....

Supporting evidence

Which of the following choices apply to your proposal*

We have set out the supporting evidence required depending on the size of the site in our technical guidance. We recommend you follow this guidance.

LESS than 10 dwellings

MORE than 11 dwellings

MORE than 100 dwellings

Over 0.25 hectares non-residential use

Not yet defined

If you are submitting any a Landscape and Visual Impact Assessment please attached this to the end of the form.

If you are submitting any a Transport Assessment or Transport Statement please attached this to the end of the form.

Have discussions with Highways England or KCC Highways taken place?*

Yes

No

If Yes please provide details

.....

.....

.....

.....

.....

Have any discussions taken place with the Environment Agency?*

Yes

No

If Yes please provide details

.....

.....

.....

.....

.....
If you are submitting any a Flood Risk Assessment please attached this to the end of the form.

Have discussions taken place with any utilities providers?*

Yes

No

If Yes please provide details

.....
.....
.....
.....
.....

Viability

Are you submitting evidence to support the deliverability of the site?*

If the site is not previously developed land, can you confirm that the benchmark land value of the site does not exceed £150,000 per gross acre?*

Yes

No

Don't know

Please note - As part of the local plan review, we will expect development proposals to clearly identify how they can achieve land values in line with the local plan review viability work. Benchmark land values for previously developed land will be considered as part of this process.

Are there any known significant abnormal development costs?*

Yes

No

If Yes please provide details

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Does the site require significant new infrastructure investment to be developed?*

Yes

No

If Yes please provide details

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Are there any issues that may influence the economic viability, delivery rates or the timing of the development?*

Yes

No

If Yes please provide details

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Have any design or master planning work been undertaken?*

Yes

No

If Yes please provide details

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Additional information

Is there anything else you would like to tell us?

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.....

If you would like to submit any additional information please attached this to the end of the form.

By submitting this form you agree to our privacy notice which can be found on the website.

We will publish the results of the Call for Sites in due course.

Call for Sites Authority Employee / Member Declaration - Process Note

- The Call for Sites questionnaire is saved on an internal system, and can be accessed by the Policy Team.
- The team periodically checks for new survey submissions. Once a new submission has been received, the data is downloaded in .xlsx format. An officer then undertakes an assessment of the site, reviewing all the information submitted.
- All assessments are reviewed by a Principal Policy Officer. A tick box and date column have been added to the Call for Sites assessment spreadsheet to record that the authority employee / member declaration has been appropriately reviewed and the Monitoring Officer has been contacted where necessary.

Supplementary File Note 12.02.24

A further query regarding the requirement to declare CCH MM Ltd was received and additional advice obtained. This file note clarifies the findings of the Governance Review given the new legal advice received. The existing requirement in the CCC Members' Code regarding Directorships (office) and securities (shares) is;

Interest	Description
Employment, office, trade, profession or vocation	Any employment, office, trade, profession, or vocation carried on for profit or gain.

Securities	<p>Any beneficial interest in securities of a body where:</p> <ul style="list-style-type: none">a) that body (to M's knowledge) has a place of business or land in the area of the relevant authority; andb) either:<ul style="list-style-type: none">(i) the total nominal value of the securities exceeds £25,000 or one hundredth of the total issued share capital of that body; or(ii) if the share capital of that body is of more than one class, the total nominal value of the shares of any one class in which the relevant person has a beneficial interest exceeds one hundredth of the total issued share capital of that class.
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Previously it was thought that b) ii) did apply due to the public record of the ownership of £25 shares at the time.

A further legal interpretation has concluded that **both a) and b)** need to be satisfied before it applies. The word "and" highlighted having a far greater meaning than first thought.

How does this change the Governance Review?

Paragraph 3.2 penultimate paragraph reads as follows

"The circumstances of this case include an allegation that a company directorship was incorrectly omitted from the Register of Interests. However, a review of Companies House records confirmed that the specific circumstances were such that it did not need to be declared as the company did not operate "for profit or gain" - it did not trade nor hold any assets per the public record. After looking more closely at the provision under Part 8 however, it would appear that part b) (ii) does apply to this case as the shares held exceed

1/100th of the total issued share capital in CCH Milton Manor Park Ltd. Meaning that this should have been declared under 8 Part G. Whether this is a breach of the Localism Act 2011 or not, is outside the scope of this review.”

Whilst factual and correct at the time of writing, and the shares were held, a supplementary update is that a legal opinion has now determined that it was not necessary to declare this Directorship as the company was dormant, was not registered in the Canterbury area; nor did it hold any land assets; nor did it have a place of business in the Canterbury area.

A full list of Directorships (publicly available from Companies House) is shown in Annex 1.

Paragraph 4.2 reads as follows

*“4.2 The majority of required declarations of interest were made, but a directorship in a non trading company with shares of £25 value was not declared. To remove any uncertainty, consideration could be given to adopting the wording of the Model Code into the next version of the Council’s Members’ Code of Conduct to include as Other Registerable Interests “any company with which they are associated including any unpaid directorships”, as set out in **Recommendation 2.**”*

This is factually correct, however may now be updated that there was no requirement upon the councillor under CCC existing Members' Code to declare this as a DPI, the recommendation is sensible and agreed (throughout Kent) and (once adopted) will ensure there is no uncertainty in future.

Mrs C Parker

Head of Audit

07.02.24

Companies House Information as at November 2023

Directorships held by Louise Anne Jones-Roberts

<https://find-and-update.company-information.service.gov.uk/officers/IWwwK9KnG2gkxX8DMjtCpuGSDF8/appointments>

Company Number	Name	Shares / Status	Declared
11540395	CCH Milton Manor Park Ltd	Appointed Director -28.08.18 Resigned - 01.09.20 25% - Shareholder until Dissolved 14.09.21	No- Not required to be declared
14888113	Athena Festivals Ltd	Not Incorporated till August 2023	N/A
11528859	Distinctive Bars Ltd	50%	Yes
06880189	Athena Hospitality Ltd	Not appointed till August 2023	N/A
08058873	Athena Property Ltd	50%	Yes
07542955	49 St Peters Street Ltd	Dissolved February 2016	N/A
06455110	Canterbury District Watch Ltd	Resigned November 2019	N/A
10600019	Beats Events Ltd	Dissolved October 2017	N/A

CANTERBURY CITY COUNCIL

Minutes of a meeting of the CANTERBURY CITY COUNCIL duly convened and held on Thursday, 4th January 2024 at 7.00 pm in The Guildhall, St Peter's Place, Canterbury

Present: Councillor Jean Butcher (Mayor)

Councillor Baldock, Councillor Bland, Councillor Bothwell, Councillor Brady, Councillor Buckman, Councillor Carnac, Councillor Carr-Ellis, Councillor Castle, Councillor Charlotte Cornell, Councillor Chris Cornell, Councillor Dawkins, Councillor Dixey, Councillor Edwards, Councillor Flanagan, Councillor Franklin, Councillor A Harvey, Councillor L Harvey, Councillor Hazelton, Councillor Jones, Councillor Jupe, Councillor McKenzie, Councillor Mellish, Councillor Moses, Councillor Nolan, Councillor Old, Councillor Prentice, Councillor Ricketts, Councillor I Stockley, Councillor J Stockley, Councillor D Smith, Councillor N Smith, Councillor Sole, Councillor Thomas, Councillor Turnbull, Councillor Watkins, and Councillor Wheeler

427 Apologies for absence

Apologies for absence were received from Councillors Simon Warley and Joe Howes.

428 Declaration of Councillors' Interests

Councillors Baldock, Dixey, Carnac and Turnbull each made a statement that any declarations of interests by councillors in their respective groups that were recorded in the minutes presented to the meeting were deemed to be declared again by any of those councillors present at the meeting.

429 Petitions or questions from the public

There were no petitions or questions from the public for the meeting.

430 Announcements

The Lord Mayor announced the recent death of former councillor and Lord Mayor (2002) Mary Jeffries, who passed away on 26th December. Deputy Leader Michael Dixey also said a few words in memory of the former councillor.

The Lord Mayor then announced that the council would be holding its first Civic Service at the Cathedral on 6 February at 5.30pm. The service was open to the public and thanks were extended to the Dean of Canterbury and his team for providing this for the City. All councillors should have received their invitations before Christmas.

The Leader remarked that six months had now passed since the new administration had come into place, and thanked the senior management team and all the council's officers for their hard work and support during this period of significant learning. He

also thanked the residents of the district for trusting the Labour / LibDem coalition to lead the Council, and all his fellow councillors for their hard work and positive cooperation.

The Head of Paid Service, Tricia Marshall, announced that, under s91 of the LGA 1972, she has used her delegated powers to appoint temporary councillors to the Womenswold Parish Council to ensure it is quorate and able to conduct business.

The appointees were Councillors Mike Sole and Lee Castle, and former councillors Georgina Glover, Valerie Kenny and Pat Todd. They had been appointed initially for six months. During that period it was hoped that new permanent members would be elected or co-opted to the parish council.

The Deputy Leader and Leader recorded their thanks to those councillors and former councillors for stepping in.

431 **Recommendations to Full Council from Cabinet**

1. Draft General Fund Revenue and Capital Budgets 2024/25 and Financial Outlook

Councillor Baldock proposed, Councillor Dixey seconded, and when put to a vote it was

RESOLVED

- that the Capital Programme for the current year be amended as shown in Appendix 3.

Record of voting:

For the proposal (31): Baldock, Bland, Bothwell, Brady, Buckman, Butcher, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, A Harvey, L Harvey, Hazelton, Jupe, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, D Smith, N Smith, Sole, Turnbull, Wheeler.

Against (1): Councillor J Stockley

Abstained (5): Councillors Carnac, Jones, I Stockley, Thomas, Watkins

2. The Creation of a New City Public Space Protection Order - following consultation

The councillors debated the proposal.

An Amendment to replace point 3 'No begging' with 'No begging with antisocial behaviour' was proposed, seconded, and when put to the vote, FELL.

Record of voting:

For the proposal (8): Councillors Bland, Brady, Edwards, Flanagan, Franklin, Jupe, Old, D Smith

Against (26): Baldock, Bothwell, Buckman, Butcher, Carnac, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, A Harvey, L Harvey, Hazelton, Jones, McKenzie, Mellish, Nolan, Prentice, Ricketts, N Smith, Sole, I Stockley, J Stockley, Thomas, Turnbull, Watkins, Wheeler.

Abstained (3): Councillors Carr-Ellis, Castle, Moses

An Amendment to replace point 3 'No begging' with wording taken from the previous PSPO, which referred to 'Persistently begs. Persistently begging involves begging on more than one occasion and includes all passive and active methods used to receive alms' was proposed, seconded, and when put to the vote, AGREED.

Record of voting:

For the proposal (31): Baldock, Bland, Bothwell, Brady, Buckman, Butcher, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, A Harvey, L Harvey, Hazelton, Jupe, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, D Smith, N Smith, Sole, Turnbull, Wheeler.

Against (1): Councillor J Stockley

Abstained (5): Councillors Carnac, Jones, I Stockley, Thomas, Watkins

The councillors then further debated the proposal.

A proposal to take each of the items in the proposal one by one, rather than en bloc, was made, seconded and when put to the vote, FELL.

Record of voting:

For the proposal (12): Councillors Buckman, Carnac, Carr-Ellis, A Harvey, L Harvey, Jones, McKenzie, Moses, I Stockley, J Stockley, Thomas, Watkins

Against (24): Councillors Baldock, Bland, Bothwell, Brady, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, Hazelton, Jupe, Mellish, Nolan, Old, Prentice, Ricketts, D Smith, N Smith, Sole, Turnbull, Wheeler

Abstained (1): Councillor Butcher

Councillor Baldock then proposed, and Councillor Dixey seconded, the proposal as amended, and when put to the vote it was

RESOLVED:

- The adoption of a new city PSPO, which includes the following activities:

1. Someone drinking in public areas causing alarm, harassment or distress
2. Shouting, swearing or causing other alarm, distress or harassment to others - whether in the area or living nearby
3. Persistent begging
4. Urinating or defecating in any public place
5. Graffitiing, fly posting and affixing notices, pictures or signs to property without the owner's permission
6. The anti-social behaviour of delivery riders:
 - Aggressive driving/riding
 - Dangerous manoeuvres
 - Excessive noise
 - Danger to other road users (including pedestrians)
 - Damage or risk of damage to private property
 - Harassment of individuals from vehicles

Record of voting:

For the proposal (19): Baldock, Bland, Brady, Castle, Dawkins, Dixey, Edwards, Flanagan, Franklin, Hazelton, Jupe, Mellish, Moses, Nolan, Old, Prentice, Ricketts, D Smith, Sole

Against (9): Councillors Carnac, L Harvey, Jones, I Stockley, J Stockley, Thomas, Turnbull, Watkins, Wheeler

Abstained (9): Councillors Bothwell, Buckman, Butcher, Carr-Ellis, Charlotte Cornell, Chris Cornell, A Harvey, McKenzie, N Smith

432 **Recommendations from other committees**

432.1 **Community Governance Review in the unparished area of Whitstable**

An amendment, that there be added a second Conservative group representative on the Task and Finish Advisory Group, was proposed, seconded and, by general assent, AGREED.

Councillor James Flanagan then proposed, Councillor Alister Brady seconded and when put to the vote it was

RESOLVED:

1. That a Community Governance Review be conducted, in accordance with the Local Government and Public Involvement in Health Act 2007, and the timetable and terms of reference set out in the appendices to the report be approved;
2. That the Head of Corporate Governance, in consultation with the Head of Paid Service, be authorised to take all necessary steps in relation to the review;
3. That a Task and Finish Advisory Group be appointed to consider the review and make recommendations to the Council, comprising eight councillors (three Labour, two LibDem, two Conservative and one Green Party).
4. Consideration to be given to a third meeting venue to ensure that the priorities of residents in different parts of Whitstable be taken into account.

Record of voting:

For the proposal (37): Baldock, Bland, Bothwell, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, A Harvey, L Harvey, Hazelton, Jones, Jupe, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, I Stockley, J Stockley, D Smith, N Smith, Sole, Thomas, Turnbull, Watkins, Wheeler.

Against (0): none

Abstained (0): none

432.2 **Polling District Review**

Councillor James Flanagan proposed, Councillor Alister Brady seconded and when put to the vote it was

RESOLVED

1. That the changes to polling districts and places as set out in section 4 of the report be agreed.

2. That subject to incorporating the changes in 1 above, that the Council agree the polling districts and places set out in Appendix 2.

Record of voting:

For the proposal (37): Baldock, Bland, Bothwell, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, A Harvey, L Harvey, Hazelton, Jones, Jupe, McKenzie, Mellish,

Moses, Nolan, Old, Prentice, Ricketts, I Stockley, J Stockley, D Smith, N Smith, Sole, Thomas, Turnbull, Watkins, Wheeler.

Against (0): none

Abstained (0): none

433 **Setting the Council Tax Base and the Council Tax Reduction Scheme 2024/25**

Councillor Alan Baldock proposed, Councillor Michael Dixey seconded, and when put to the vote it was

RESOLVED

That Council:

1. Determine that for the financial year 2024/25, the empty homes discount for properties unoccupied and unfurnished ('Class C' properties) remains at 0%, so that Council Tax will be payable in full on these properties.
2. Approve the District's Council Tax Base for 2024/25 as 53,348.27 and the tax base for the towns and parishes in the Council's administrative area, as set out in the table at Appendix 2.
3. Determines the "Long Term Empty Premium" for properties that have been left empty and substantially unfurnished:
 - (a) for periods of 1 year but less than 5 years, a Long Term Empty premium to be charged at 100%; and
 - (b) for periods of 5 years but less than 10 years, a Long Term Empty premium to be charged at 200%; and
 - (c) for periods of 10 years or more a Long Term Empty premium to be charged at 300%.
4. Formally approves the discontinuation of the council Tax 'Class D' discount, for properties undergoing structural alteration and/or major repair, effective from 1 April 2024.
5. Formally approves the CTRS as set out in this report, effective from 1 April 2024.
6. Formally approves the application of the 100% Council Tax premium on properties empty for 1 year but less than 5 years, applicable from 1 April 2024, in line with the Levelling-Up and Regeneration Act 2023.
7. Formally approves the application of a 100% Council Tax premium on properties that are unoccupied and furnished, often referred to as 'second homes' ('Class B' properties), applicable from 1 April 2025, in line with the Levelling-Up and Regeneration Act 2023.

Record of voting:

For the proposal (36): Baldock, Bland, Bothwell, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, A Harvey, L Harvey, Hazelton, Jones,, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, I Stockley, J Stockley, D Smith, N Smith, Sole, Thomas, Turnbull, Watkins, Wheeler.

Against (0): none

Abstained (1): Councillor Jupe

434 Councillor questions

(a) Councillor Keith Bothwell asked the following question:

As a preface to my question, I would like to say that in my experience, this council's officers are always helpful, considerate and highly competent. In the months since I was elected I have been most impressed by their capabilities and professionalism.

However, I do feel that I am sometimes working in the dark, because I do not have a measure of the staff who work here - I am not aware of the full range of talents employed by Canterbury City Council.

Wanting to know more about the council's capabilities and skills, I have requested previously to see a list of staff with their respective roles et cetera but this has not been forthcoming. The response given is that this is not yet available because staff are leaving and arriving and that therefore the staff list is not up-to-date. However, this will always be the case – there will never be a complete and accurate list of staff in any organisation of this size.

My question is: Will a staff list, including respective departments, roles, and responsibilities, be made available to councillors at any stage soon?

Councillor Mike Sole, the Cabinet Member for Finance, replied as follows:

Can I start by endorsing your comments about the capabilities and professionalism of our staff? They are a credit to the organisation. I would also like to take the opportunity to acknowledge how staff at every level have adapted to the new administration, its priorities and ethos, and the challenges that a change in so many councillors brings.

I sympathise with this question. As councillors we receive emails from residents on hundreds of different issues, and there are hundreds of council officers with thousands of responsibilities between them. Knowing how to get information and swiftly resolve issues is essential.

All councillors should be aware officers provided all councillors with a comprehensive guide to services as part of the induction programme. The guide provides details of the services provided and explains how to raise issues.

Councillors are encouraged to use dedicated email addresses, as shown on the cover of this guide, which are closely monitored by our teams to ensure correspondence is tracked, monitored and responded to as quickly as possible in order to help our residents. As a reminder there is a dedicated email for Waste Issues, and everything Canenco related, and another for Service issues, which includes housing.

Dedicated rather than individual email addresses increases resilience, and every part of the team is willing to help.

As you mentioned in the question, in a large organisation, where staff change, there are either short or long-term absences, and responsibilities and roles change from time to time, any staff directory would be out of date on the day that it was published. The current approach negates the need for a comprehensive staff directory and

ensures queries are routed appropriately.

If you wish to know more about the roles performed by the officers within any particular department then the service directors and heads of service are always available and willing to talk to you and any councillors, and within the guide to services document there is a detailed list of the responsibilities of the senior staff.

If councillors ever experience any issues with receiving prompt replies when using the dedicated service email addresses, please let me know.

Finally, I have requested that a reminder of those service email addresses and a link to the guide to services are sent out again to councillors.

There will not be an additional staff list published for councillors.

(b) Councillor Rachel Carnac asked the following question:

Has the land for the revised layout for the A2 slip road at Wincheap, which includes the Park & Ride, been transferred to KCC? Is this administration committed to delivering the new offslip and any changes that may be required to the park and ride?

Councillor Alex Ricketts, Cabinet Member for Tourism, Movement and Rural Development, answered as follows:

Committee resolved in 2017 to transfer to KCC and Highways England an appropriate parcel of land at the Wincheap Park and Ride to facilitate the delivery of the previously designed off slip scheme. A delegation was also made to officers to make minor changes to the land transfer.

That scheme of 2017 was withdrawn following concerns from Highways England over the design of the off slip. Therefore, in answer to the question of whether the land has been transferred, no it hasn't.

Regarding the second part of your questions, as to whether we remain committed to it: well, the current Local Plan and the draft Local Plan both contain an off slip. I don't want to second-guess the work of the Local Plan Working Group, but should that also contain an A2 off slip, which I think is very likely, then obviously the council would be committed to delivering that.

There are several plans that have been submitted, and this is where it gets slightly complicated, in that the council has two roles here; 1 - we're the planning authority that has to agree any of those plans, and 2 - we're also the landowner. So there will be two separate decisions, one by the planning authority - either the planning committee or by officer decision under delegated powers. Should the planning permission be agreed, the council would have to consider the land requirement needs of the new design and what impact that would have on park and ride spaces, and that might then come back to councillors again in terms of the land disposal and we'd probably go back through that same process that we went through in 2017.

Councillor Carnac then asked one supplementary question as follows: There has been speculation in the local press about this recently, and this has caused angst to many people. So I wanted to ask for a commitment that we would carefully consider the impact of any changed land request, with special focus on the implications for the Park & Ride and the River Stour.

Councillor Ricketts responded that the council would consider the issue very seriously. It would probably be a planning decision. It was unlikely the Council would decide to build on water meadows, but he couldn't pre-judge. Both the river and the Park & Ride, a pillar of the Transport Strategy, were very important and all considerations would be taken into account. The A2 slip off remained a very important issue.

(c) Councillor Robert Jones asked the following question:

Our windmill in Herne and Broomfield, which is several hundred years old, is under threat of being sold off as Kent County Council looks to give up ownership and therefore responsibility for it, along with the rest of the mills in Kent.

Can I ask our Council heritage team if they will work with the friends of the mill in whatever way possible to ensure we keep and maintain our very important heritage asset.

Councillor Charlotte Cornell, Cabinet Member for Heritage, Open Space, Waste and Recycling, replied as follows:

Yes, the financial pit that Kent County Council finds itself in means the windmills, youth services and indeed county hall itself are all being sold off by KCC to try to raise funds to fill those coffers.

The Friends of Herne Mill group has nominated it as an Asset of Community Value (ACV). That has now been considered by our senior officers and, as of 18 December, Herne Mill is listed as an ACV. This is a way of community groups protecting assets from being sold.

So if the owner decides to sell, they have to notify us and we would then notify local organisations. If a community interest group or a charity puts in an expression of interest, the sale has to pause for six months, to give it time to raise the money to acquire the asset.

As you know, KCC is currently consulting on its proposal to sell eight windmills across the county. The consultation, if people wish to express their views, closes on 26 January.

Of course, as the Cabinet Member for Heritage, I would give full support to a community group that wishes to preserve the mill, a key part of our economic heritage, a key learning resource and geographical marker. I'd be very happy to meet with such a group, and I hope that you might set up that meeting for me so we can progress this further.

Councillor Jones responded that yes, he would set up that meeting.

(d) With the Lord Mayor's permission, Councillor Rachel Carnac read out the following question on behalf of Councillor Joe Howes, who had given apologies:

I have been contacted by many residents in my ward who currently opt into the garden waste service, but are now considering opting out due to the change in payment methods. Can I ask the Leader to explain how those unwilling to make card payments for security reasons will be able to pay.

Councillor Charlotte Cornell, Cabinet Member for Heritage, Open Space, Waste and Recycling, replied as follows:

The council has always provided alternative payment methods for the garden waste service for those unwilling or unable to use card payments or without internet access. These options are unaffected by the move away from direct debits to card payments.

To discuss alternative payment options residents can call the Bins and Waste team on 01227 947860. We will make sure that alternative payment options are picked up in any future comms on garden waste subscriptions and we make it more accessible. We at Cabinet were reassured by the team that those methods of payment would be available for years to come for those that need them. Card payments represent a more secure method of collecting payments, but that doesn't mean that they will be the only way people can pay for services.

Councillor Carnac then asked that, in addition to sending out that information in letters to residents, that relevant information be added to other communications, posters etc so that the alternative payments phone number was more widely known.

Councillor Charlotte Cornell replied that a review of communications around waste and recycling was currently underway and that the alternative methods of payment would be highlighted front and centre on the new website. She also said that she would make sure all councillors were sent the phone number and list of payment method options in the next week or so.

435 Notices of Motion

435.1 Notice of Motion regarding Homelessness & Temporary Accommodation

Councillor Rachel Carnac (in Councillor Howes' absence) proposed, and Councillor Robert Jones seconded, the following Motion

The council welcomes the Conservative government's announcement in the Autumn Statement that it will increase Local Housing Allowance rates to cover 30% of local market rents, along with an additional £120m to combat homelessness across the UK.

But as we know there are significant ongoing challenges in ensuring that everyone can live in a home that meets their current and future needs – challenges that encompass availability, affordability, security, and quality.

Government data published in July 2023 shows that more than 104,000 households were in temporary accommodation at the end of March 2023 – the highest figures since records began in 1998.

Almost daily we hear from families living in cramped and inappropriate accommodation in Canterbury district. Young parents sofa surfing with their children or having to share beds with their youngest children because there just isn't enough room. We are hearing that the nearest temporary accommodation being offered to single people is now in the northeast of England – too far from friends and family.

This council shares the collective national ambition to tackle local housing challenges and create great places for current and future generations. Housing consistently appears in the top ten priorities for British residents. It is mentioned as a key issue almost three times as frequently by 18 to 34 year-olds than older age groups.

We all know that bringing our social housing service back in-house came at a significant cost as we are trying to make up for years of under-investment. While the council's housing team has worked extremely hard and delivered real improvements in a short time, we believe that there are other actions this council must take to tackle the shortage of temporary accommodation and to help those in our community who have given up hope of ever having a suitable place to live that they can call home.

1/ As Canterbury City Council prepares to put its Local Plan back out to Section 18 consultation early this year, this council must resolve to ensure that it contributes to the delivery of homelessness prevention schemes and providing an adequate housing supply for the district through producing and delivering on an up-to-date Local Plan in late 2025/early 2026. The Local Plan must not be delayed any further and this council's priority must be to deliver new homes and affordable housing for local people.

2/ Licensed caravan parks are used as temporary accommodation and provide a very helpful stop-gap locally. However, Canterbury City Council only licenses sites for 10 months of the year. We ask that we resolve to change this policy and license sites for 12 months to allow accommodation to be used all year around. We suggest this scheme is reviewed annually. This would remove the uncertainty for many people who are living in caravans on licensed sites and take the pressure off the council from the short-term uptick in homelessness during the closure periods.

3/ That the council takes a tougher approach to allowing unlicensed caravan sites to be used as temporary accommodation. As a council we should not be allowing families to live on sites that do not meet safety standards and where basic amenities are not provided. We should not be encouraging such accommodation by paying council tax and housing benefit to unlicensed site owners. The council should be using enforcement and other pertinent powers to ensure that any caravan that is used for temporary accommodation is on a licensed site.

4/ The findings of the Older Persons Working Group must be considered very seriously and a decision on implementation taken as swiftly as possible. This piece of work is already delayed.

5/ A councillor workshop or working group (to follow on from the Older Persons Working Group) is established to focus on tackling homelessness in the district and improve provision of temporary accommodation. As a council we need cross-party working to resolve what can be done locally and what we need to lobby government to do, including:

a/ ensuring the council is bidding on every available funding pot from the government for homelessness, temporary accommodation and affordable housing;

b/ working with local developers and landlords to identify available and empty housing that can be used for temporary and permanent accommodation;
c/ asking the government to roll-out five-year local housing deals to all areas of the country that want them by 2025;
d/ asking the government to provide a long-term rent deal for council landlords to allow a longer period of annual rent increases for a minimum period of at least 10 years, providing certainty for investment. This should include flexibility for councils to address the historic anomalies in their rents as a result of the ending of the rent convergence policy in 2015.

The Lord Mayor indicated that the Motion would be referred to Cabinet without debate, so that a report could be prepared by the officers.

The Leader and the Cabinet Member for Housing, Councillor Pip Hazelton, gave an initial response and confirmed that the Motion would be referred to Cabinet as it contained issues outside the Council's existing policy and budget framework.

435.2 **Herne Bay Seafront Regeneration 2024**

Councillor Rachel Carnac proposed, and Councillor Dan Watkins seconded, the following Motion

Council recognises the important role Whitstable Harbour Board has played in ensuring the success of the harbour and the impact that has had on the rest of the town. It is now a top destination in Britain. The Canterbury Tales of England Board has been fundamental in ensuring that Canterbury City Council had a masterplan that formed the basis for it securing Levelling-Up Bid Funding of just under £20m. The strategic partnership board supports the design, delivery and oversight of the Canterbury's Tales of England masterplan, and "provides strategic input and advice into the development of bids, including establishing and producing evidence-based insight into the needs of the city that ensures continued growth and prosperity".

We call on this council to recognise that Herne Bay would benefit from a similar driving force and strategic board to give impetus and foresight to regeneration of its seaside heritage assets from Studd Hill to Reculver, just as Whitstable Harbour Board has delivered for Whitstable and as the Canterbury, Tales of England Board is now for the city. The seafront is to Herne Bay as the harbour is to Whitstable: vital, historic and economically important. It is the town's focal point providing the magnet for visitors, investment and regeneration that benefits the whole town.

Herne Bay's seafront needs significant investment to restore its faded glory and to encourage visitors to stay longer and see it return as a holiday destination. It has all the ingredients for success, but it needs oversight, promotion, focus and drive to find the investment and then ensure work is carried out. It demands its own masterplan with Canterbury City Council as the accountable body – similar to the way the boards in Whitstable and Canterbury are run.

The town has many fantastic hard-working volunteers and groups involved in different aspects of town life – much as Whitstable and Canterbury do too – but it is

unrealistic and unreasonable for council to believe that these groups have the means to raise the millions in investment required to undertake the capital projects required on the seafront.

Council notes that Herne Bay was not awarded any funding through the government's Levelling-Up funding scheme. Nor has the council been successful in attracting other grant funding either through The Towns Fund or The Community Ownership Fund. We are therefore disappointed that the £40,000 voted through by cabinet a few months ago was not invested in undertaking the further research into how to upgrade our coastal assets which was not only necessary to make a fresh LUF bid, but indeed is required for any other bids for public monies to be successful. This clearly demonstrates a lack of oversight and a rudderless approach to Herne Bay.

Even where we were successful in getting funding, scheme implementation has been shockingly slow. Last year, the council was successfully awarded £250,000 from the Brownfield Land Release Fund to demolish the Tivoli site in 2023. It was important to get work under way quickly in order to ensure the existent planning application for regeneration of the site was still applicable. Council notes that this work has still not been undertaken despite assurances that it would be in the first half of 2023.

The pier has £300,000 earmarked in the capital budget for much-needed repairs. This work should no longer be delayed. The historic Clocktower is missing a hand, has weeds growing out of it which is compromising the structure, and is suffering from rainwater ingress. The investment needed for the King's Hall and the Bandstand is well documented, but they will both fade and fail unless action is taken urgently. In addition, the statues of Barnes Wallace and of Amy Johnson are in need of repair. The toilets at St George's and in the Bandstand are a disgrace plus there isn't a Changing Places facility along the seafront. The toilet building at Hampton is crying out for a great regeneration scheme – just look at the location! The slopes from Hampton to Reculver are looking forlorn with broken steps, railings and a lack of grounds maintenance blighting what again should be heritage assets. This is far too much work and far too ambitious for existing voluntary groups in Herne Bay, such as the Coastal Community Team to take on. Although they do their best to undertake small schemes in Herne Bay, they would be the first to admit this needs an overarching board that can take a strategic view to drive the regeneration and improvement that is needed.

We propose that a similar scheme to the successful board models run in both Whitstable and more recently in Canterbury should be rolled out in Herne Bay. This should be made up of cross-party members, relevant officers, and independent experts who would be able to advise, guide and inform on the regeneration of Herne Bay's heritage assets and historic seafront from Studd Hill to Reculver. Primarily, providing the design, delivery and oversight which will ensure Herne Bay's continued growth and prosperity.

We propose that the £40,000 that was not utilised to rework a Herne Bay bid in round 3 of the government's Levelling-Up Fund (and that was agreed by cabinet) should be repurposed to establish a Herne Bay Seaside Board from April 2024.

The Lord Mayor indicated that this motion would be referred to Cabinet without debate.

The Leader then deferred to the Cabinet Member for the Coast, Councillor Chris Cornell, who gave an initial response.

436 Changes to memberships of committees and sub-committees for the remainder of the council year

Councillor Alan Baldock proposed, Councillor Michael Dixey seconded, and when put to a vote it was

RESOLVED

to approve the changes to membership of committees and sub-committees as contained within the agenda, and additionally to approve the membership of the Governance Review (CGR) Task and Finish Advisory Group as follows:

Councillors Chris Cornell, Harry McKenzie, Naomi Smith, Michael Dixey, Peter Old, Clare Turnbull, Ian Stockley and Rachel Carnac.

Record of voting:

For the proposal (37): Baldock, Bland, Bothwell, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, A Harvey, L Harvey, Hazelton, Jones, Jupe, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, I Stockley, J Stockley, D Smith, N Smith, Sole, Thomas, Turnbull, Watkins, Wheeler.

Against (0): none

Abstained (0): none

437 Council minutes

Councillor Baldock proposed, Councillor Dixey seconded, and when put to the vote it was

RESOLVED

that the minutes of the previous meetings be confirmed as a true record.

Record of voting:

For the proposal (36): Baldock, Bland, Bothwell, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, A Harvey, L Harvey, Hazelton, Jones, Jupe, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, I Stockley, J Stockley, D Smith, N Smith, Sole, Thomas, Turnbull, Watkins, Wheeler.

Against (0): none

Abstained (1): Councillor A Harvey

438 **To receive the following minutes of the meetings specified**

The Head of Paid Service indicated that the minutes would be dealt with in turn and that the Lord Mayor would first invite the relevant Chair to propose the receipt of the minutes and to ask for a seconder for the proposal.

She explained that the purpose of this item was to formally receive each set of minutes and respond to any questions arising from those minutes, and that councillors were not voting on whether they are a true record of each meeting; that was for the relevant committee to decide.

She also said that in future, if a meeting was cancelled, it would be listed here together with the reason for the cancellation.

(a) Audit Committee - 4 October 2023 -

It was proposed by Councillor Brady and seconded by Councillor D Smith and AGREED by general assent that the minutes of the above meeting be received.

(b) Cabinet - 6 November 2023 -

It was proposed by Councillor Baldock and seconded by Councillor Dixey and AGREED by general assent that the minutes of the above meeting be received.

(c) Cabinet - 4 December 2023 -

It was proposed by Councillor Baldock and seconded by Councillor Dixey and AGREED by general assent that the minutes of the above meeting be received.

(d) Cabinet Committee - 30 November 2023 -

It was proposed by Councillor Carr-Ellis and seconded by Councillor Jupe and AGREED by general assent that the minutes of the above meeting be received.

(e) Overview & Scrutiny - 21 November 2023 -

It was proposed by Councillor Prentice and seconded by Councillor Flanagan and AGREED by general assent that the minutes of the above meeting be received.

(f) Planning Committee - 17 October 2023 -

It was proposed by Councillor Edwards and seconded by Councillor D Smith and AGREED by general assent that the minutes of the above meeting be received.

(g) Scrutiny Sub Committee - 22 November 2023 - Cllr Carnac

It was proposed by Councillor Carnac and seconded by Councillor Turnbull and AGREED by general assent that the minutes of the above meeting be received.

(h) Standards Committee - 21 November 2023 -

It was proposed by Councillor Moses and seconded by Councillor Ricketts and AGREED by general assent that the minutes of the above meeting be received.

(i) Whitstable Harbour Board - 13 October 2023 -

It was proposed by Councillor Chris Cornell and seconded by Councillor Jones and AGREED by general assent that the minutes of the above meeting be received.

Additionally, the Lord Mayor stated that the minutes of the meeting of the General Purposes Committee, 13 December 2023, had been published in the Agenda Supplement. The Lord Mayor invited Councillor Flanagan to propose these minutes, and Councillor Brady to second, and the minutes were therefore AGREED by general assent.

439 To receive any notices of urgent decisions made by the Head of Paid Service under delegation

There were no notices of urgent decisions made by the Head of Paid Service to report.

440 Any other urgent business to be dealt with on the night

The Lord Mayor referred to the supplement to the agenda, Item 14 - any other business to be dealt with on the night - Report to Council, Non-attendance by Councillor.

Councillor Alan Baldock proposed, Councillor Michael Dixey seconded and when put to a vote it was

RESOLVED

That Council:

- approve the reason for non-attendance and grant an extension to the six month period of non-attendance allowed, up to the next Full Council meeting on 22nd February 2024.

Record of voting:

For the proposal (37): Baldock, Bland, Bothwell, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, A Harvey, L Harvey, Hazelton, Jones, Jupe, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, I Stockley, J Stockley, D Smith, N Smith, Sole, Thomas, Turnbull, Watkins, Wheeler.

Against (0): none

Abstained (0): none

441 Exclusion of press and public

This was not required.

442 Any other urgent business to be dealt with under exempt provisions

This item was not required.

CANTERBURY CITY COUNCIL

GENERAL PURPOSES COMMITTEE

Minutes of a meeting held on Monday, 29 January, 2024
at 7.00 pm in The Guildhall, St Peter's Place, Westgate, Canterbury

Present: Councillor James Flanagan (Chair)
Councillor Alister Brady (Vice Chair)
Councillor Dane Buckman
Councillor Peter Old
Councillor Naomi Smith
Councillor Ian Stockley
Councillor Jeanette Stockley
Councillor Steven Wheeler

In attendance: Councillor Keji Moses
Councillor Harry McKenzie

Officers:

Matthew Archer- Head of Corporate Governance
VanessaMontgomery - Senior Democratic Services Manager

504. Apologies for absence

Apologies were received from Councillor Edwards

505. Substitute members

There were no substitutes present.

506. Declarations of interest by Members or Officers

There was a voluntary announcement made on behalf of all committee members that the public speaker was likely to be known to the committee as he was a former councillor.

507. Public participation

There was one public speaker regarding item 5.

508. DRAFT TERMS OF REFERENCE FOR A COMMUNITY GOVERNANCE REVIEW OF THE PARISH BOUNDARY BETWEEN THE PARISHED AREAS OF WESTBERE AND HERSDEN

(There was a voluntary announcement made on behalf of all committee members that the public speaker was likely to be known to the committee as he was a former councillor.)

The Head of Corporate Governance introduced the report that was asking the committee to recommend to Council to approve the terms of reference, timetable and consultation plan for a Community Governance Review (CGR) of the parish boundary between the Westbere and

Hersden parished area.

There were two options detailed in the report:

Option 1 - To agree the terms of reference, timetable and consultation plan

Option 2 - To suggest amendments to the terms of reference and timetable, which will be referred to Council for consideration.

The Committee discussed the recommendations and the following points were made, with the Head of Corporate Governance giving clarification where necessary:

- A question would be amended in the consultation to read should the Westbere parish boundary be moved to incorporate the Bread and Cheese field green space.
- It was clarified that the second part of the petition, which called for the Field to be designated as protected green space, was a planning policy matter and therefore beyond the scope of this review. It had been explained to the petitioner that comments could be submitted in response to the local plan consultation which was due to start in March 2024.
- A query was raised regarding the capacity of the Task and Finish Group who were already looking at the Whitstable Community Governance review (CGR). It was acknowledged that capacity could be an issue. An extended period had been allowed to prepare the recommendations to account for the overlap with the boundary review and the Whitstable CGR.
- It was clarified that the second phase of the Whitstable consultation would occur after the conclusion of this review so it would be staggered which should help with capacity.
- The consultation was open to all residents in the district, although as part of data gathering, addresses would be asked for and so the location of the resposdee would form part of the analysis.
- The ward boundary review was due to conclude in July. The findings would be considered before concluding this review.

It was proposed, seconded and when put to vote recommended to Council:

1. That a Community Governance Review be conducted, in accordance with the Local Government and Public Involvement in Health Act 2007, and the timetable and terms of reference set out in the appendices to this report be approved;
2. That the Head of Corporate Governance, in consultation with the Head of Paid Service be authorised to take all necessary steps in relation to the review;
3. That the CGR Task and Finish Advisory Group be invited to consider the review and make recommendations to the committee.

Record of the voting:

For (8): Brady, Buckman, Flanagan, Old, N.Smith, I.Stockley, J.Stockley and Wheeler

Against: None

Abstained: None

509. Any other urgent business to be dealt with in public

There was no urgent business

510. Exclusion of the press and public

Not required

511. Any other urgent business which falls under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both

There was no urgent business

There being no other business the meeting closed at 7:20pm.

CANTERBURY CITY COUNCIL
LICENSING SUB-COMMITTEE

Minutes of a meeting held on Wednesday 10 January 2024
at 10.30 am in The Guildhall, St Peter's Place, Westgate Canterbury

Present: Councillors Mike Bland (Chair)
Councillor Buckman
Councillor Naomi Smith

In attendance: Councillor Harry McKenzie (reserve)

Officers - Anton Walden, Licensing Officer
Pippa Tritton, Democratic Services Officer
Olivia Davies - Legal Advisor

1 Apologies for absence

An apology for absence was received from Councillor Howes.

2 Substitute Councillors

Councillor Naomi Smith was present as a substitute for Councillor Howes.

3 Declaration of any Interests by Councillors or Officers

No declarations of interest were made.

The Chair advised that Councillor Cornell, the Other Person, was known to the Panel and officers.

4 Minutes of the meeting held on 8 November 2023 and 20 December 2023

The minutes of the meetings held on 8 November and 20 December 2023 were agreed as a true record.

5 Order of business

The Order of Business was NOTED.

6 Licensing Act 2003 - Review of the Premises Licence for A La Turka, 13 High Street, Whitstable CT5 1AP

Present at the meeting were Susan Newman, Mr and Mrs Tuckwood, Mick Steward and Ms Holmes, all Applicants for the Review. Also present was Councillor Chris Cornell, an 'Other Person'.

A La Turka, Whitstable was represented at the Hearing by Duncan Craig - Barrister, Michael Kheng - Licensing Consultant and Madalina Soava - Manager and Designated Premises Supervisor.

The Licensing Officer introduced the application for a review of the premises licence in accordance with Section 51 of the Licensing Act 2003 for A La Turka, 13 High Street, Whitstable CT5 1AG. He explained that a site visit had been conducted earlier in the day and assured those present that no discussion had taken place regarding the application at that meeting. He added that the agenda had been prepared and published in accordance with the relevant legislation and the council's constitution.

Mick Steward made the application as spokesperson for those calling the Review and others added relevant points as required when necessary:

1. He recorded his dissatisfaction that Mr Dari was absent from the Hearing and noted that he had also been absent from the Hearing when the licence had been granted.
2. He asked if he could submit a short, written statement from local resident Anne Davies.

It was noted that Mr Dari's father was seriously ill in Turkey and that is why he was not present.

With regards to the written statement, the Licensing Officer advised that the statement had been considered by the council's Legal Officer and had been rejected for not being served in accordance with the regulations.

3. In response to a question, it was confirmed that Madalina Soava was the Designated Premises Supervisor (DPS) for the premises.

4. The application for the review had not been submitted lightly, but due to countless breaches of conditions over the past 12 months.
5. They simply wished to ask that the conditions be adjusted and adhered to.
6. There was a failure to have a notice asking customers to leave quietly.
7. Residents had tried to engage with Mr Dari since January 2023 but had been unsuccessful. Lots of weight had been placed on this condition at the Sub-Committee where the Licence had been granted.
8. Susan Newman had called at the restaurant on a number of occasions and had not always been treated with respect.
9. Mr Dari would have been aware that the lights and noise from the door would be issues, but nothing had been done despite the issues being raised.
10. Susan Newman reported that she was disturbed on a daily basis between 11:00 and 23:00 hours due to various reasons including flue noises and visitors to the garden.
11. Her property was 12 yards from the bin area and store. There was noise from the back gate opening, trundling noises as large and heavy items were dragged along the street. There was additional noise from young staff filling bins with waste, including a 'Sunday night bin dance' when staff would jump up and down on the bins to compact the rubbish.
12. She was aware that she lived close to a busy high street, but her property was in an exceptionally quiet area so noise was amplified.
13. She had spent £2,000 on secondary glazing to mitigate the noise but the flue system was still audible and obviously wasn't effective when the windows were open.
14. The lights were on from 06:30 until 23:00 hours and beyond. All activities in the dark, including the bins and storage area, triggered both the restaurant's lights and her security light and she felt that the impact could significantly be reduced by simple measures such as adjusting the angle of the security light and installing curtains on the bifold doors.
15. Costa did not use the 'ransom land' at the rear of the businesses.
16. On the whole, issues raised by Mrs Newman had been received sympathetically but some visits had been less than amicable. She now felt unable to visit and effectively that route of communication had been closed.
17. It was never the aim of residents to close the restaurant.
18. The Licensing Sub-Committee had originally promised that there would be no commercial activity in the garden.
19. Some diners were unruly in the summer, with children noisy and undisciplined.
20. Staff smoked by the bins, made considerable noise and had loud conversations in the garden.
21. Staff would fill bins and then take them through the emergency gate to be emptied. Supplies should be taken through the building and the emergency gate should be kept locked.
22. Cooking should cease by 22:00 hours.
23. A condition of 21:00 hours in the garden area would help.
24. There was impact on children in nearby premises and the disallowed submission would have shown the impact on nearby residents.
25. There should be no light pollution from the premises at any time.
26. The licensee should meet with residents every two months to discuss any concerns. There had been no engagement so far and the only attempts had

- come from residents.
27. The residents sought the following conditions - the rear door of the restaurant to be closed at 21:00 hours and no use of the rear gate at any time. Residents would be content if these conditions were imposed and monitored effectively by the council.
 28. Residents had only brought the review as Mr Dari had refused to follow conditions or to engage with them.
 29. None of the representations were as the result of racism, and this was refuted strongly.
 30. The shed pictured in the agenda pack required planning permission.
 31. Mr Dari was happy to engage with the press but not with residents.

Sub-Committee members had the opportunity to ask questions of the applicants and responses or clarification were provided:

32. Light issues were from the upper storey of the restaurant itself as well as from the garden. This could be addressed by adding blinds.
33. The Sub-Committee was not able to deal with planning matters.
34. If the gate was to be secured when premises were open, and bins were not to be removed between 10:00 and 19:00 hours, this left a very short window when bins could be taken out.
35. Complaints, primarily related to the flue, had been made to Environmental Health but had been dismissed.
36. Councillors hoped to see a satisfactory resolution to the issues raised.

The Premises Licence Holder's representatives had no questions of the review applicants.

Councillor Chris Cornell, an 'Other Person' had no questions. He made his representations as follows:

37. He had 15 licenced premises within his ward and was not a 'NIMBY'.
38. He had lived in the High Street and whilst appreciating there would be some noise, considered that rules were needed for how shops and businesses operated.
39. He wished to see the business succeed.
40. One of the issues with this establishment was that it had fallen between licensing and planning regulations.
41. Conditions had been added due to worries about the restaurant's location within a densely populated area.
42. The original application was refused.
43. The acoustic report presented to planning was twice the decibel rating agreed.
44. The existing licence did have some difficulties, for example the licensing condition was subjective and not helpful.
45. There was evidence that the existing conditions had not been adhered to.
46. He had tried to contact Mr Dari but had received no response.
47. A series of promises had been made to local residents that had not been adhered to.
48. It was noted that some concerns raised were outside the realms of licensable

activities, but reminded the panel that some of the conditions had been added due to the close proximity of some of the houses.

49. It was acknowledged that there were difficulties in deliveries to the location.

Sub-Committee members were given the opportunity to ask questions of the Other Person:

50. The current condition stated the back doors should be locked at 22:00 hours.

51. The restaurant was limited to 36 covers outside but had seating for 40.

The Premises Holder's representatives did not wish to ask questions of the other person and made their submission. Points included:

52. They do not accept that any conditions had been breached.

53. Conditions on a licence should not duplicate other conditions imposed on a business.

54. Signage was displayed in the frame by the front door and any suggestion that condition had not been complied with was incorrect. However, they would look at wall mounting the signage to ensure it could not be moved or hidden.

55. With regards to the rear gate, any condition could only be enforced within licensable activities time. There was no evidence that condition had ever been breached.

56. The condition relating to the doors being shut specified customers, staff were allowed to use them.

57. The suggestion of 21:00 shut off time for the garden would effectively mean that customers needed to be seated by 19:00/19:30 hours which would be burdensome. Under the Licensing Act, the nighttime economy commenced at 23:00. The existing condition of 22:00 hours was already a compromise.

58. No condition had been breached with regards to the number of customers in the garden (36) or external lighting.

59. The festoon lights had been turned off, and one of the external lights had been disabled so it could not intrude in the way that had been described.

60. No empty bottles were removed from the premises between 22:00 and 07:00 hours. Highways had stated that bins could not be put out before 17:00 hours and it was not possible for bins to be taken through the restaurant when customers were present.

61. The passageway at the rear of the property was too narrow for a bin lorry to go down. Deliveries to the rear of the property had ceased.

62. Engagement was not sustainable as a condition. It would mean that those bringing the Review would be given more consideration than other residents who had not made representations.

63. Engagement had taken place on a number of occasions. On the exception of one occasion where voices were raised on both sides, the DPS had been courteous and respectful. However, some of the review applicants had been rude to staff and made customers uncomfortable which was unacceptable.

64. Staff were just doing their jobs and should not be approached in this way.

65. This was not a planning hearing.

66. The restaurant was previously derelict and empty and was now a fantastic addition to the High Street with an investment of £½ million. Approximately 20 people were employed.

67. The property had previously been a job centre and a pub.
68. The current conditions should continue as they were fair and balanced.
69. Complaints made by the applicants to Environment Health had been dismissed, and they also had no issues with the planning application which was recently granted.
70. Environmental Health had also had the opportunity to make a representation to the review hearing but had declined.

Sub-Committee members were given the opportunity to ask questions of the Premises Licence Holder's representatives and comments and responses included:

71. Councillors welcomed the suggestion of clear signage relating to noise in the garden.
72. Was there a way to stop children from running around, could a sign be installed asking children not to play near the bin areas? It was noted that not everybody found the sound of children a negative thing and that any sign could only be an advisory one.
73. Mr Dari would be asked regarding the possibility of angling the garden lights and it may be possible to provide a shade. However it was noted that lots of people had security lights, including Mrs Newman.
74. The restaurant lights were dimmed at night and the upstairs of the restaurant did already have some film on the windows. Curtains or blinds would not be practical in the restaurant.
75. The restaurant was situated on a very busy High Street and every other property had deliveries to the front.
76. Staff could be asked to be quieter when on a break, but this was subjective and there was no other rest space for them.

The Other Person had the opportunity to ask questions of the Premises Licence Holder's representatives and comments and responses included:

77. There was no proof that the business was operating outside of its conditions.
78. A retrospective application for planning permission for the flue had been granted, with Environmental Health agreeing it was better than the original one.
79. All deliveries come via the front of the property.
80. There were no restrictions for entry/egress for staff.

The Applicants for the Review were given the opportunity to ask questions of the Premises Licence Holder's representative.

81. In response to being asked about deliveries to the rear of the property on certain dates, the DPS advised that supplies were only delivered to the front of the building which could be proved by camera footage.
82. The reference to Costa deliveries had come from a third party and not the premises licence holder.
83. The signage in reception had always been present but would be fixed to the wall going forward to avoid any confusion.
84. Mediation meetings had not happened.
85. The DPS advised that she was not unhappy to communicate with the review

applicants but meetings must be respectful and civilised. She stated that there had been racist comments made in the past and staff had been upset. All queries should be addressed through herself or Mr Dari, not any other staff.

At this point in the proceedings, Mr Stewart summed up the Application for the Review:

86. They wished to review the conditions to see if further consideration was needed.
87. It was never their intention for the suspension or revocation of the licence.
88. The DPS said customers were brought into the restaurant at 21:30 hours, they would like 21:00 hours to be considered.
89. If the conditions requested were imposed, together with no deliveries from the rear, this would be a way forward.

The Licensing Sub-Committee members then retired with the Legal Advisor to make their decision. Under the Panel's return, the Legal Advisor advised that they had considered the licensing objectives and in particular, the objective of preventing public nuisance. The Sub-Committee had also considered the guidance issued under section 182 of the Licensing Act 2003 and its own statement of licensing policy.

The Licensing Sub-Committee had considered all the representations made to it by: all six applicants, the single "other person" who made representations, and the premises licence holder. The Licensing Sub-Committee had given careful consideration to the written submissions and evidence and the oral representations made to it at the hearing.

That having considered these matters, and having deliberated in private, it was

RESOLVED - that the Licensing Sub-Committee had decided to vary the condition in Annex 2 of the premises licence which required signage, so that it now read:

"signage shall be affixed to the wall at the entrance to the premises and on both sides of the outdoor area asking customers to leave quietly and to respect the neighbours and nearby residents."

It is considered that this variation was appropriate and proportionate to promote the licensing objectives.

The Sub-Committee had determined that no other alterations to the licence were appropriate or proportionate.

The Legal Advisor reminded those present of the right of appeal under section 181 of, and schedule 5 to, the Licensing Act 2003. Under paragraph 9 of Schedule 5 there was a strict 21-day period within which the appeal must be made.

7 Any other urgent business

There was no business for this item.

8 Exclusion of the press and public

9 Any other urgent business which falls under the exempt provisions of the local government act 1972 or the freedom of information act 2000 or both

There was no business for this item.

There being no other business the meeting closed at 2.16 pm.

Canterbury City Council

Overview & Scrutiny Committee

Minutes of a meeting held on Thursday, 25 January 2024 at 7.00 pm in The Guildhall, St Peter's Place, Westgate, Canterbury

Present: Cllr Paul Prentice (Chair)
Cllr James Flanagan (Vice Chair)
Cllr Dane Buckman
Cllr Elizabeth Carr-Ellis
Cllr Roben Franklin (substitute)
Cllr Liz Harvey
Cllr Keji Moses
Cllr Harry McKenzie
Cllr Peter Old
Cllr Naomi Smith
Cllr Jeanette Stockley
Cllr David Thomas (substitute)
Cllr Clare Turnbull

In attendance Councillor Alan Baldock - Leader of the Council
Councillor Pip Hazelton - Cabinet Member for Housing
Councillor Mike Sole - Cabinet Member for Finance
Councillor Mel Dawkins - Cabinet Member for Climate Change
and Biodiversity
Councillor Michael Dixey - Deputy Leader of the Council

Officers: Suzi Wakeham - Director of People and Place
Tricia Marshall - Corporate Services Director and Head of Paid
Service
Bill Hicks - Service Director Place
Marie Royle - Service Director People
Nicci Mills - Service Director of Finance and Procurement
Richard Moore- Head of Transportation and Environment
Gary Peskett - Housing Strategy Manager
Pippa Tritton - Democratic Services Officer
Rob May - Head of Finance

489. Apologies for absence

Apologies for absence were received from Councillor Dan Smith and
Councillor Rachel Carnac.

490. Substitute members

Councillor Roben Franklin was present as a substitute for Councillor Dan Smith and Councillor David Thomas was present for Councillor Rachel Carnac.

491. Declarations of interest by Members or Officers

The Chair advised that one of the speakers was known to him and to other Labour councillors.

Councillors James Flanagan and Jeanette Stockley also advised that a speaker was known to them.

In relation to Item 8, Councillor David Thomas made a voluntary announcement that his brother was a taxi driver.

In relation to the Draft Housing Revenue and Capital Budget item, Councillor James Flanagan made a voluntary announcement that he was a co-opted member of Canterbury Housing Advice Centre.

492. Public participation

The Chair advised that there were two public speakers for the meeting who would be heard directly before the relevant items.

493. MINUTES OF THE MEETING HELD ON 21 NOVEMBER 2023

The minutes of the meeting held on 21 November 2023 were agreed as a true record.

494. LUF HIGHWAYS PROJECTS - DECISION TO IMPLEMENT

(Oliver Waldron, representing Spokes, spoke after the officer introduction.)

The Head of Transport and Environment introduced the report which set out the main improvements to the public highway that were included in the Levelling up Fund (LUF) bid. The report also provided a summary of the public consultation responses to the outline designs and set out the proposed changes and sought a recommendation for project implementation.

Councillors debated the proposal and made comments including the following, with the Head of Transport and Environment providing clarification where necessary:

- In response to a question, the officer explained that root balls of planted trees would be contained in cells that have space to allow roots to grow.
- The use of permeable surfaces was difficult in highways areas, but officers were looking at catching as much rain runoff as possible in

landscaped areas, and sustainable urban drainage would be used on pathways where possible.

- There was concern over congestion in Pound Lane following busy Marlowe performances or other events. The officer explained that the majority of respondents, including residents, supported the proposal but at busy times there would be increased congestion there. It was possible to control traffic flow within the car park ANPR to an extent, but not once on The Causeway.
- With regards to landscaping, the species used must be fit for purpose and conform to Kent County Council standards. These would be included in future drawings once known.
- Councillors did not want the planters to be used as bins and asked if bins could be installed at the same time to prevent that from happening. This would be looked at.
- In response to a question, the officer explained that accessible toilets were not included as part of the current LUF objective.
- When the separate consultation on the bus station was considered, accessible toilets and signage for accessible toilets could be considered.

The Head of Transport and Environment and Director of Corporate Services also made comments including:

- The intention was to move cycle parking and to increase capacity, not to remove it. A cycle hire scheme with a docking system was currently being considered.
- A key point in the draft specification for cycle hire was to ensure that hired bikes were returned to a docking hub and not dumped.
- There was no room to put in a cycle contraflow in St George's Lane.
- There would be two new changing places toilets opening in the Spring this year, one at the Beaney and one at Kingsmead Leisure Centre, improving accessibility within the city centre.

It was proposed, seconded and agreed by general assent to:

Recommend (to Cabinet):

- That the detailed designs shown on the drawings in Appendices 2-5 relating to the following projects : Westgate Square, St Georges Square, St Georges Lane, Dane John to Castle (via Castle Row car park), are agreed.
- That a Section 278 agreement is entered into with Kent County Council for the implementation of these projects.
- That the Cabinet Member for Tourism, Movement and Rural Development, in consultation with the Head of Transport and Environment, is given delegated authority to make any changes required by KCC.

495. **PROPOSED CHANGES TO CHARGES AND CONDITIONS IN COUNCIL CAR PARKS (pages 47-102) (7.27pm)**

(Clare Millett, a member of the public, spoke prior to the discussion.)

The Head of Transport and Environment introduced the report setting out the proposed changes to charges and conditions in the Off Street Parking Places Order (OSPPO) for the financial year 2024/25, and provided a summary of the public consultation response.

Councillors debated the report and comments included:

- There was a reluctant acknowledgement from some councillors that changes were needed in order to make the budget balance.
- There was concern for areas where sustainable transport was not available to residents.
- Was charging for parking at Faversham Road worth it, was the council making any money with such limited parking?
- A councillor asked how much money the increases would generate and asked if the parking increases would be permanent or would they be reduced once the council was in a better financial position?
- A councillor stated that Herne Bay and Whitsable were not a 12 month economy and were disappointed to see seasonal parking removed.
- The high parking charges at destinations like Reculver were putting people off from visiting and it was very important that seasonal charges remained. If charges were too high, nobody would use the parking.
- A councillor asked if museums that were free for example, had seen a decrease in visitor donations due to the cost of parking. The officer stated that although he had concerns from businesses previously, he had never heard from the museums.
- Was there any help for businesses with the cost of parking?
- The free parking period for blue badge holders would increase.
- Why should transport be cheaper than for those who could not afford a car?
- With regards to females having to park further away at night, a councillor suggested that the city should be made safer, not car parks cheaper.
- Giving residents somewhere in the evening would encourage the night time economy.
- Residents would not pay to park in car parks overnight, when they could park on the streets for free.
- A councillor claimed that Herne Bay residents were paying for the reopening of Sturry Road Park and Ride.

The Head of Transport and Environment and the Director of Finance made comments and provided points of clarification including:

- The revenue for the Faversham Road car park was above what was estimated when introduced a couple of years ago.
- It was easier to give an EV discount than to charge other vehicles a higher amount.
- There were understandable concerns about sustainable transport and the current bus service, but these formed a key component of the Bus Strategy, part of the forthcoming Transport Strategy, and it was hoped that there would be more bus services at night and weekends.
- The proposed changes would raise in the region of £650k.
- The council had to provide a balanced budget and parking fees were

taken into consideration as part of the whole budget.

- It was acknowledged that if prices continued to increase, there was an eventual tipping point where people would stop using the car parks. Officers would monitor usage through the ANPR data and this would be reviewed next year.
- Abstraction figures had been included on all financial spreadsheets.
- Parking at the park and ride with a resident discount would be £3.20 and was probably the cheapest in the country. For regular visitors, who were residents, every fifth visit in a calendar month was free which represented a saving of 20%.
- The council offered business permits which could be purchased on a pay monthly basis. Although they sounded expensive at £1000 per annum in Canterbury, they represented excellent value compared to the hourly rate.
- The reopening of Sturry Road park and ride would not be directly funded by Herne Bay residents. However it would primarily be used by Herne Bay, Sturry and Thanet residents.
- William Street car park had been free between 6pm-9pm for residents with online accounts for a number of years but usage was still low.
- Comments were appreciated and all would be taken into account.

It was proposed, seconded and when put to a vote agreed to:

Recommend (to Cabinet):

(1) That changes are made to the advertised proposals in respect to item numbers 3, 6, 13, 14, 35 as set out in the report

(2) That item numbers 1-54 (which include the changes above), as set out in Appendix 1, and the proposed permit charges, item number 55 as set out in Appendix 2 are implemented on 1 April 2024.

(3) That the financial impact of items 56-61 are taken into account in the 24/25 budget.

Record of voting:

For(10): Councillors Dane Buckman, Elizabeth Carr-Ellis, James Flanagan, Roben Franklin, Keji Moses, Harry McKenzie, Peter Old, Naomi Smith, Clare Turnbull

Against (3): Councillors Liz Harvey, Jeanette Stockley and David Thomas

Abstained (0):

496. GENERAL FUND REVENUE AND CAPITAL BUDGET

(Councillor David Thomas made a voluntary announcement that his brother was a taxi driver.)

The Service Director, Finance introduced the report which set out the key financial issues facing the council from 2023 to 2025 and advises councillors in key budget assumptions and puts forward budget recommendations for 2024/25 for consultation.

The Service Director, Place explained the markets and licensing

consultation contained within the report.

Councillors were asked for their comments on the report, specifically on the three consultations for markets, licensing and the general fund consultation and advised that these would be passed to Cabinet for consideration.

Councillors debated the report and made comments including:

- Could anything be done to stop the sale of vapes on market stalls, or to increase the rates for those selling vapes. The officer explained that illegal products would not be permitted. Vapes were currently still legal and unless that guidance changed it would not impact the sale of such products. The situation would be monitored.
- A councillor applauded the return of the market and market manager and stated that they would like to explore bringing a market back to Whitstable too.

Comments and points of clarification were provided by both the Service Director, Finance and the Service Director, Place:

- Although concentrating on Canterbury at the outset, the market manager's role would be district wide.

Comments were noted.

497. HOUSING REVENUE AND CAPITAL BUDGET

(Councillor James Flanagan make a voluntary announcement that he was a co-opted member of Canterbury Housing Advice Centre.)

The Housing Strategy Manager introduced the report which presented the responses to the public consultation on the Housing Revenue Account (HRA) budget 2024/25. The report noted that the HRA budget was for one year only (2024/25) and did not contain any projections for the following years because of uncertainty about Government rent policy and the need to keep many elements of the budget under constant review.

Councillors were asked for their comments which would then be passed to Cabinet for consideration when making their recommendation to Council.

Councillors debated the report and made comments.

- There was concern regarding the large increases in service charges, particularly heating, and a councillor asked if this could be spread out so that the impact was not so large.
- Was the council keeping energy contracts under review to ensure best value for money and was renewable energy included in that in order to meet the climate emergency carbon neutral targets?
- As there was very little money to deal with the energy efficiency of the housing stock, it was important to take advantage of any government schemes to help residents with energy costs.

- Were figures for damp and mould included within the report?

Where required, clarification was made by the Housing Strategy Manager and the Service Director, People:

- Officers were also concerned about the proposed increase, particularly in regards to utilities. Some of the figures received through the contract were huge but if they were not passed on it would mean some tenants were subsidising other tenants' heating which would not be fair. The council could be subject to a legal challenge if a proper scheme was not put in place.
- It would be possible to spread payments out over a long period, but that would mean under recovering costs this year and next and the fear was that the costs would constantly outstrip the increases.
- Officers were collating data in order to prepare bids for government schemes, however the biggest issue was having the right level of data to submit.
- Every case of damp and mould was reported, along with the investigations carried out, repairs and solutions but overall the cost was included in the day to day repairs maintenance budget.

498. OPPORTUNITY TO PURCHASE AFFORDABLE HOUSING NEAR CANTERBURY

The Housing Strategy Manager introduced the report explaining that the council had an opportunity to purchase a number of new affordable homes for rent to help meet local housing needs.

Councillors were asked for their comments on this item, which would be passed to Cabinet. Due to the nature of the confidential appendix, the Chair advised that the discussion would take place following the exclusion of the press and public and the item would be taken later in the meeting.

499. Date of next meeting

7pm, Thursday 29 February 2024

500. Any other urgent business to be dealt with in public

There was no business under this item.

501. Exclusion of the press and public

RESOLVED - That under Section 100(A)(4) of the Local Government Act 1972, the press and public were excluded from the meeting during consideration of the following items of business on the grounds that there would be disclosure of exempt information as defined in Part 3 of Schedule 12A of the Act or the Freedom of Information Act or both.)

**502 OPPORTUNITY TO PURCHASE AFFORDABLE HOUSING NEAR
CANTERBURY - CONFIDENTIAL APPENDIX**

Councillors welcomed the report and made comments as relevant which would be passed on to the Cabinet.

503. Any other urgent business which falls under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both

There was no business under this item.

The meeting closed at 9.04 pm

CANTERBURY CITY COUNCIL

PLANNING COMMITTEE

Minutes of a meeting held on 9 Jan 2024,
At 7.00 pm in The Guildhall, St. Peter's Place, Westgate, Canterbury

Present: Councillor Pat Edwards (Chair)
Councillor Dan Smith (Vice Chair)
Councillor Keith Bothwell
Councillor Dane Buckman
Councillor Roben Franklin
Councillor Robert Jones
Councillor Harry McKenzie
Councillor Tom Mellish
Councillor Peter Old
Councillor Paul Prentice
Councillor Naomi Smith
Councillor Ian Stockley
Councillor David Thomas

Officers:

Stevie Andrews - Planning Manager (Development Manager)
Cath Wallen - Principal Solicitor
Christian DeGrussa - Planning Officer
Kelly Tonkin - Planning Officer
Lauren Wheeler - Democratic Services Officer

451. Apologies

Apologies were received from Councillor Elizabeth Carr-Ellis.

452. Substitute members

Councillor Naomi Smith was present as a substitute for Councillor Carr-Ellis.

453. Declarations of any interests by councillors or officers

A generic announcement was made on behalf of all committee members, as follows:

All or some councillors may have received correspondence from or spoken with applicants, agents, supporters or objectors, and some of the public speakers may also be known to members of the committee due to their work as councillors. Neither circumstance prevents councillors from participating in the meeting. However, any

councillor who considers that they do not have an open mind, in respect of any item on the agenda, should not participate in the meeting when the relevant item is to be discussed.

The following interests were also declared at the meeting:

In respect of Item 7, Application No CA/23/01658/LBC, Councillor Jones made an announcement that he works opposite the application.

454. Public Participation

The public speakers for the meeting were heard immediately before the consideration of the relevant application below

455. Minutes of the meeting held on 12 December 2023

The minutes of the above meeting were agreed as a true record and signed by the Chair.

456. LIST OF APPLICATIONS AND PROPOSALS

The Committee considered the planning applications, received the observations thereon of interested parties, the reports and recommendations of the Head of Planning, and the comments at the meeting from the public speakers on the applications referred to below. At the commencement of the consideration of the applications, the Committee received a presentation about each application, which included a display of plans, drawings and photographs.

Planning Application No. / Site / Page Nos.	Speakers
Item 6 Application No.CA/23/01733/FUL The Brambles, Hawthorn Corner, Herne Bay (pages 10 - 21)	
Item 7 Application No.CA/23/01658/LBC 18-21 Stour Street, Canterbury (pages 22 - 27)	

Planning Application No. / Site / Page Nos.	Speakers
Item 8 Application No. CA/23/00044/VAR 13 High Street, Whitstable (pages 28 - 36)	1. Mick Steward (objector) 2. Evelyn Tuckwood (objector) 3. Mrs Newman (objector)

456.1 Application No.CA/23/01733/FUL The Brambles, Hawthorn Corner, Herne Bay

Two-storey detached dwelling following demolition of existing outbuildings

A proposal was put that planning permission be GRANTED for the development described in the above application.

When put to a vote, the proposal was AGREED by the committee.

A record of the vote was taken as follows:

For the proposal: Councillors Bothwell, Buckman, Edwards, Franklin, Jones, McKenzie, Mellish, Old, Prentice, D Smith, N Smith, I Stockley, Thomas (13)

Against the proposal: None (0)

Abstained from voting: None (0)

456.2 Application No.CA/23/01658/LBC 18-21 Stour Street, Canterbury

[Councillor Jones made an announcement that he works opposite the application.]

Application for Listed Building Consent for external alterations including renewal of Kent Peg roofs and associated lead work and rainwater goods, brickwork repairs and repointing, stone repairs and repointing, Joinery repairs and repainting external joinery.

A proposal was put that Listed Building Consent be GRANTED for the development described in the above application.

When put to a vote, the proposal was AGREED by the committee.

A record of the vote was taken as follows:

For the proposal: Councillors Bothwell, Buckman, Edwards, Franklin, Jones, McKenzie, Mellish, Old, Prentice, D Smith, N Smith, I Stockley, Thomas (13)

Against the proposal: None (0)

Abstained from voting: None (0)

456.3 Application No. CA/23/00044/VAR 13 High Street, Whitstable

Variation of condition 2 of planning permission CA/21/01038 for Single storey rear extension, extractor flue to rear elevation, awning to front elevation and alterations to fenestration to front elevation, to allow alteration to the height and positioning of extraction system

A proposal was made that planning permission be GRANTED under section 101 for the Variation of condition described in the above application, subject to safeguarding conditions, implementation and verification (required prior to permission being granted) of noise mitigation measures set out in 'Noise Survey - Addendum by Peak Acoustics dated 25 October 2023', with the addition of a Condition requiring the flue to be painted matt black and thereafter retained as such.

When put to a vote, the proposal was AGREED by the committee.

A record of the vote was taken as follows:

For the proposal: Councillors Bothwell, Buckman, Edwards, Franklin, Jones, McKenzie, Mellish, Old, Prentice, D Smith, N Smith (11)

Against the proposal: Councillors Stockley, Thomas (2)

Abstained from voting: None (0)

457. Planning Appeals Report

There were no planning appeals decisions to report.

458. Any urgent business to be dealt with in public

There was no other urgent business to be dealt with in public.

459. ANY OTHER URGENT BUSINESS WHICH FALLS UNDER THE EXEMPT PROVISIONS OF THE LOCAL GOVERNMENT ACT 1972 OR THE FREEDOM OF INFORMATION ACT 2000 OR BOTH

There was no other urgent business which fell under the exempt provisions

460. Date of next meeting

The date of the next meeting was Tuesday 6th Feb 2024

There being no other business the meeting closed at 8.36 pm

Standards Committee
7 pm Wednesday 7 February 2024
The Guildhall, St Peters Place

DRAFT minutes

Present:

Councillor Keji Moses (Chair)
Councillor Alex Ricketts (Vice Chair)
Councillor Pat Edwards
Councillor Andrew Harvey (substitute for Councillor Steven Wheeler)
Councillor Robert Jones
Councillor Harry McKenzie
Councillor Peter Old
Councillor Ian Stockley

In attendance:

Barnaby Riggs (PC representative)
Alan Atkinson (PC representative)

Officers:

Matthew Archer- Head of Corporate Governance
Jan Guylar - Head of Legal and Monitoring Officer
Andrea James - Democratic Services Officer

520. Apologies for absence

Apologies were received from Councillors Steven Wheeler and Elizabeth Carr-Ellis, Independent Person Jacque Dabnor, and PC representative Dr Andrea Nicholson]

521. Substitute members

Councillor Andrew Harvey was present as a substitute for Councillor Steven Wheeler.

522. Declarations of interest by members or officers

Councillor Ian Stockley made a voluntary announcement that at least two people present knew the former councillor who was involved in the complaint that led to the governance review.

523. Councillor Interest Governance Review Recommendations

The Head of Legal and Monitoring Officer introduced the report, which asked the Committee to consider proposed solutions to address recommendations made by the Councillor Interest Governance Review.

She also gave a verbal update as follows:

Christine Parker, who undertook the Governance Review presented to the Audit Committee on 24 January 2024, has asked me to make a correction regarding updated advice she had previously relied on in her report.

The former Councillor's directorship in the company CCH Milton Manor Park Limited does not amount to a Disclosable Pecuniary Interest and did not therefore need to be registered as an interest at the time.

Having reviewed the information available on Companies House and the relevant legislation (Relevant Authorities (Disclosable Pecuniary Interests) Regulations 2012/1464) it is noted that in order to be a DPI the company needs to be registered in or own land in Canterbury City Council's area PLUS the Councillor has shares over a set threshold.

In this case the company is registered to an address in Hythe and does not own any land. The shares being over the threshold is not enough in itself to amount to a DPI.

This clarification does not however have any impact on the recommendations made in the Governance Review and the suggested way forward to implement those recommendations set out in the report to the Standards Committee remains as set out in the report.

The Legal Officer then talked through the recommendations at page 4 of the agenda and the recommended changes.

Members discussed the report, asked questions and made recommendations including the following:

- There needed to be some measure considered so that former councillors could be held accountable for failure to uphold the Code of Conduct during their time in office, even if they became former councillors before the issue came to light.
- The Council was limited in how it could deal with former councillors, as when they became former councillors, they were no longer subject to the Code of Conduct.
- Disclosures had to be made because people were councillors: when they ceased being councillors, that necessity also ceased.
- When a Subject Councillor was no longer a councillor, the Council had no way of requiring them to cooperate with any investigations and could not sanction them. However, if the matter in question was potentially criminal, the police would have the power to investigate.
- Parish councils operated under the Code of Conduct too. Unless the Council could prevent councillors committing substantial breaches and then walking away, it and every parish might become a laughing stock.
- How could the current circumstances be avoided in the future so that residents could have trust in the Council?
- Members of the public could refer councillors and former councillors to the police, but evidence would be needed of wrongdoing during their time as councillors.
- Robust measures needed to be put in place
- Additional time would be needed to consider the proposal that the Monitoring Officer reports former councillors to the police.
- Perhaps elements of the Code of Conduct should continue to be requirements even after councillors became former councillors.
- Amendments would be made as quickly as possible once approved by Full Council, but due to problems with the Council's online systems, the Head of Legal could not give a firm date by which agreed changes would be made.

It was proposed, seconded and when put the vote

AGREED

To recommend to Governance Committee / Full Council an amendment under recommendation 2) c) by adding the words 'or former councillor' after the words '...of other regulations by the Subject Councillor-' so that paragraph 4.4 of Annex 1 of the Arrangements would read as follows:

'If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Councillor or Former Councillor, or any other person, the Monitoring Officer shall report the complaint to the police or other prosecuting or regulatory authority...'

Record of the voting:

For (5): Councillors Harvey, Jones, Moses, Old, Ricketts

Against (3): Edwards, McKenzie, I Stockley

Abstained (0): none

It was then proposed, seconded and when put to the vote

AGREED

To recommend to Governance Committee:

1) to note the adoption by Management Team of the new forms/processes listed below:

a) Call for Sites Submission Form (attached as Appendix 2) which includes an Authority Employee / Member Declaration to be completed by employees or members putting forward sites to alert Planners of a potential conflict of interest so the Monitoring Officer can be informed;

b) Call for Sites Authority Employee / Member Declaration - Process Note (attached as Appendix 3) requiring planning colleagues to record on a spreadsheet that the authority employee / member declaration has been appropriately reviewed and the Monitoring Officer has been contacted where necessary

c) Sensitive Interests form (see Appendix 3 of the Councillor Interest Governance Review) for use by the Monitoring Officer to record applications for a sensitive interest in accordance with s32 Localism Act

and

2) to recommend to the Governance Committee a recommendation to Full Council that delegated authority be given to the Monitoring Officer, in consultation with the Head of Paid Service, to:

a) amend the Members Code of Conduct to include the requirement for Members to register all directorships as Other Registrable Interests, whether or not they include a pecuniary interest;

b) make further changes to the constitution that relate to the proposed amendments to the Members' Code of Conduct, including for example, changes to procedure rules in terms of when members with a DPI and OSI may speak at a meeting to mirror the addition of Other Registrable Interests and in relation to sensitive interests;

c) amend the Arrangements for dealing with Councillor Conduct Complaints to require the Monitoring Officer to refer a matter to the police where there is a potential criminal offence regarding the failure by a Councillor or Former Councillor to appropriately disclose a Disclosable Pecuniary Interest.

Record of the voting:

For (8): Councillors Edwards, Harvey, Jones, McKenzie, Moses, Old, Ricketts, I Stockley

Against (0): none

Abstained (0): none

524. Any other urgent business to be dealt with in public

There was no other urgent business to be dealt with in public.

525. Exclusion of the press and public

This item was not required.

526. Any other urgent business which falls under the exempt provisions of the Local Government Act 1972 or the Freedom of Information Act 2000 or both

There was no other urgent business which fell under the exempt provisions.

The meeting ended at 19:33.

CANTERBURY CITY COUNCIL

WHITSTABLE HARBOUR BOARD

Minutes of a meeting held on 19 Jan 2024,
At 3.00 pm in the Mallandain Room, Whitstable Castle, Whitstable

Present: Councillor Chris Cornell (Chair)

Councillor Michael Dixey

Councillor Andrew Harvey (sub)

Councillor Joe Howes

Councillor Naomi Smith

Councillor David Thomas (sub)

Councillor Clare Turnbull

Councillor Simon Warley

Councillor Joe Howes

Independent Member Peter Steen*

Independent Member Sandy Lynam

Independent Member Neil Webster

Officers:

Liam Woollorton - Head of Engineering

Jan Guylor - Head of Legal Services & Monitoring Officer

Adam Wright - Lead Surveyor

Matthew Young - Harbour and Foreshore Manager

Lauren Wheeler - Democratic Services Officer

461. Apologies

Apologies for absence were received from Councillor Robert Jones and Councillor Keith Bothwell.

462. Substitute Members

Councillor David Thomas was present for Cllr Jones, Councillor Andrew Harvey was present for Cllr Bothwell.

463. Declaration of interests by board members or officers

The following declarations were made:

Councillor Dixey made a voluntary announcement that he is Cabinet Portfolio Holder for Property, Performance and Oversight in relation to Item 13 Property Action Plan Updates re: concessionary rates.

464. Public Participation

There were no speakers present at the meeting.

465. Minutes of the meeting held on 13 October 2023

The minutes were confirmed as a true record by general assent.

Action points:

- The Harbour and Foreshore Manager will follow-up the British Ports Association for links to appropriate Port Marine Safety Code introduction (online training) and awareness days, and circulate details to all members once available.
- The Head of Culture, Leisure and External Development provided an update to members at the Strategic Plan Workshop. A report on the South Quay Shed will be included at the next Harbour Board meeting in March.

466. Harbour Strategy Update

The Head of Engineering provided a summary and confirmed that the timescales in the original timetable are still realistic. There has been a good level of feedback, and a consultation report will be prepared for circulation before the next Strategic Plan Workshop on 2 February to further review and prioritise the goals as required.

The aim is for the Strategic Plan to be considered for approval at the next Harbour Board meeting in March and publication is planned by the end of April.

Thanks was given to the Head of Engineering and the team for a well managed process.

The Board NOTED the update.

467. Harbour and Foreshore Manager's Report

The Harbour and Foreshore Manager introduced the report and provided additional detail where required. Further discussion included:

- Completion of the Port Facility Security Officer (PFSO) Training Course, vetting process is to be completed.
- The Fishermen's memorial bench is now in situ. A date will be proposed for an 'official' opening. Invites are to be circulated in February and thanks was given for the support from the Harbour Board.
- Commencement of extensive repairs to the lighting on East Quay.
- Installation of safety signage on West Quay.
- A review of the Navigational Risk Assessment (NRA) is currently being completed. It is anticipated that this will be considered for approval at the next Harbour Board meeting in March.

- Commencement of a review of the tenancy terms and conditions of the beach huts. Clarity was provided re: subletting clauses, occupation rates and current charges in relation to other areas.
- Signage and Fixed Penalty Notices in Beach Walk car park.
- Shipping statistics and an amendment to the reporting period from calendar year to financial year

The expiry date of the Port Waste Management Plan in Part 2 of the report was confirmed as June 2024 (not 2023).

The Board NOTED the report.

468. Engineer's report

The Technician Engineer presented the report and provided a summary to the Board of key points and forthcoming works.

The Harbour Board members discussed the report including the following:

- Further detail and frequency of harbour dredging, potential updates on social media.
- Effects of a challenging winter/storms.
- Installation of lighting columns at South Quay, and potential for easy installation of any additional lighting.
- Positive feedback from the Whitstable Fishermans Association re: works to the South Quay fenders.
- Completion of an additional electrical feeder box at the South Quay Shed.

The Board NOTED the report.

469. Date of next meeting

The date of the next meeting is 3pm, Friday 15th March 2024

470. Any other urgent business to be dealt with in public

None advised

471. Exclusion of the press and public

It was proposed, seconded and RESOLVED unanimously:

That under Section 100(A)(4) of the Local Government Act 1972, the press and public be excluded from the meeting during consideration of the following items of business on the grounds that there would be disclosure of exempt information as defined in Part 1 of Schedule 12A of the Act or the Freedom of Information Act or both.

472. Memorandum of Understanding

Independent Member, Neil Webster updated the board on initial conversations held between the Executive Management Team and board members on the Memorandum of Understanding.

The Board discussed the size of the board, the role of independent members, who the Harbour Board reports to and financial reporting.

The views and priorities from members during the discussions will be raised with relevant officers and taken forward as appropriate.

473. Property Action Plan Updates

(Councillor Dixey made a voluntary announcement that he is Cabinet Portfolio Holder for Property, Performance and Oversight.)

(Councillor Thomas made a voluntary announcement that he has a relative with a business on the Harbour.)

The Lead Surveyor presented the report. The Harbour Board members and officers discussed the report and ongoing tenant related matters in detail.

It was RESOLVED by general assent that all recommendations to grant lease (or other), or to proceed with action by the Lead Surveyor in terms of the matters detailed in the report, or as discussed in the session, were agreed.

The Board NOTED the report and verbal updates.

Action points to take forward by the Lead Surveyor:

- Proceed as discussed re: former Harbour Office
- Proceed as discussed re: Harbour Garden Cafe

474. Any other business which falls under the exempt provisions

There was no urgent business.

There being no other business the meeting closed at 4:55pm.

Draft Programme of meetings 2024-2025

Colours indicate reporting cycles. Dates in brackets are reserve dates indicating meetings to which regular business is not expected to be scheduled.

	Day of meeting	2024								2025				
		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Council	Thursday 7pm	15 Annual Meeting Wed		18			17			9	24 (Mon) Budget 26 (Wed)**			7 15 Wed Annual meeting
Cabinet	Monday 7pm		10	8			7	4 Budget	9		10 Budget	24	21	
Overview and Scrutiny Committee	Thursday 7pm	23	13			5	10	7		23 Budget	27	27		
Whitstable Harbour Board	Friday 3pm			5			11#			10		7		
Joint Transportation Board	Tuesday 7pm		18				22					18		
Scrutiny Sub-Committee	Weds 7pm		26	(3) (25) Thurs		11	(24) Thu	27*	(19) Thurs			5*	(10) Thu	(8) Thurs
Audit Committee	Weds 7pm			10			2			22		12		
Cabinet Committee (Companies)	Thursday 7pm							28			30			
Governance Committee	Tuesday 7pm										25			

Regulatory Committees, Boards and other Panels and Groups	Day and time of meeting	2024								2025				
		May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	Jan	Feb	Mar	Apr	May
Licensing Sub-Committee	Wednesday 10.30 am	Provisionally every Wednesday, except Christmas week												
Licensing Committee	Monday 10am	20		8 Annual Meeting										
Planning Committee	Tuesday 7pm	28	25	23	20	17	15	12	10	7	4	4	1 29	27
Planning Sub-Committee	Thursday 7pm	1 (Wed)				12						20		
Standards Committee	Monday 7pm			15										
Councillor Briefings (subject to change)	Wednesday 5.30pm online		12	3		4	9 30 Budget	20		15	12	19	30	
South Thames Gateway Building Control Joint Committee	Thursday 10am		27 AGM			26			12			13		

Meeting locations:

Most meetings will be held at The Guildhall, Westgate, Canterbury CT1 2DB. Members of the public can listen to the audio live stream at democracy.canterbury.gov.uk

Meetings of the Whitstable Harbour Board are normally held in The Mallandain Room, Whitstable Castle, Tower Hill, Whitstable CT5 2BW

Please note:

#Meeting to include the AGM to be held immediately prior to the start of the WHB meeting

*Meeting includes hold date for call in

() Meeting is a hold date and will only be held if there is a call in

**Council Meeting - Reserve date, if required, for any additional decisions required for the Budget

Democratic Services Team - 01227 862009, democracy@canterbury.gov.uk