

**Agenda
Supplement 1**

COUNCIL MEETING

**Thursday
22 February 2024
7.00 pm**

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

Agenda Supplement

6. Recommendations to Full Council from Cabinet

(e) Council Tax 2024/25

The report referred to in the paragraph below has been updated. Council is asked to approve the version included in pages 3-11 of this Agenda Supplement.

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.

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

Audit Committee - Wednesday, 24 January 2024

Cabinet - Thursday 8 February 2024

Governance Committee - 13 February 2024

(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).

**UPDATED REPORT WITH A REVISED COUNCIL TAX AMOUNT OF £239.89,
PREVIOUS VERSION BASED ON £239.91**

**CABINET
8 FEBRUARY 2024**

Subject: Council Tax 2024/25

Director and Head of Service:

Tricia Marshall, Director of Corporate Services & Head of Paid Service.
Nicci Mills, Service Director Finance and Procurement and S151 Officer

Cabinet Member:

Councillor Mike Sole, Cabinet Member for Finance

Key or Non Key decision:

Key

Decision Issues:

These matters are within the authority of the 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:

Full Council is required to set the level of Council Tax for the next financial year. This report sets out the various calculations needed to set the Council Tax for the district and each parish within the district. The level of Council Tax is determined by the level of spending agreed for the budget.

The Council Tax proposed for Canterbury City Council is £239.89, that is a £6.97 increase (2.99%) on the 2023/24 council tax.

To this are added the Kent County Council, the Kent Police and Crime Commissioner, the Kent and Medway Fire and Rescue Authority and parishes' precepts to arrive at the overall tax. Kent County Council propose an increase of 4.992% (including 1.994% for social care), Kent and Medway Fire and Rescue an increase of £2.61 and Kent Police & Crime Commissioner propose an increase of £13.00.

To recommend to Council:

- 1) 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.**

SUPPORTING INFORMATION

1. Introduction

This report takes the Committee stage by stage through the various calculations required to set the Council Tax for 2024/25. The report is based on a £6.97 increase in Council Tax as required to achieve the level of spending. This results in a basic council tax of £239.89.

Appendix A explains the calculations required to set the Council Tax and Appendix B sets out the formal resolution.

Legal Background

The Localism Act 2011 requires the billing authority to calculate a council tax requirement for the year, not its budget requirement as previously.

Timing of council tax decision

Councillors will be aware that this Council cannot set its council tax for 2024/25 until Kent County Council (KCC), the Kent Police and Crime Commissioner (KPCC), the Kent and Medway Fire and Rescue Authority (KMFRA) and the parish councils within the district have formally set their precepts.

Parish councils have already issued their precepts and the other precepting bodies plan to set their precepts as follows:

KCC – 19 February 2024

KPCC – 14 February 2024

KMFRA – 20 February 2024

Precept Levels

Subject to the comments above, the council tax levels have been set/are planned to be set as follows.

Kent County Council meets on 19 February 2024 to set its Band D Council Tax at £1,610.82 including the social care precept, an increase of 4.992 % on last year.

Kent and Medway Police and Crime Panel meets on 14 February 2024 to approve the Police Commissioner's Band D Council Tax of £256.15, an increase of £13 on last year.

Kent and Medway Fire and Rescue Authority meets on 20 February 2024 to set its Band D Council Tax of £89.91, an increase of 2.99% on last year.

The parishes have issued their precepts and these are reflected in the council tax calculations, the total precept amount for 2024/25 is £970,732. Appendix C shows the details of the precepts for each parish for 2023/24 and 2024/25.

The formula required to calculate the council tax due for each band and the rounding of the result to the nearest penny can affect the comparative increases from year to year by 0.01 of a %. This means that in a small number of cases the percentage increase varies marginally from the published band D increase.

The Council Tax Base

The introduction of the Council Tax Reduction Scheme (CTRS) resulted in a change to the way in which the council tax requirement and the council tax base are calculated. The council tax requirement is now the net funding requirement to be funded by the council tax payer after the application of government funding for the council tax support scheme. The council tax base is now the band D equivalent after a discount has been applied to adjust for those in receipt of council tax support.

2. Relevant Council Policy/Strategies/Budgetary Documents

This is the formal Council Tax setting resolution.

3. Consultation

The budget report considered at this meeting refers to the budget consultation including comments received on proposals to increase council tax.

4. Options available

This report sets out the calculations which have to be made to set the District's Council Tax. The level of Council Tax is that required by the budget recommended for 2024/25.

5. Implications

- (a) Financial Implications – included in the report.
- (b) Legal Implications – Approval of Appendix B by Full Council meets the legal requirements to set the Council Tax

6. Conclusions (with reasons supporting the recommendation)

The report sets out the Council Tax calculations for the level of spend in the report on the budget.

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 Nicci Mills **nicci.mills@canterbury.gov.uk**

Appendices

Appendix A - Council Tax Calculation

Appendix B - Council Tax 2024/25 Recommendations 1-3h

Appendix Bi - Council Tax 2024/25 Recommendation 3h onwards

Appendix C - Parish Council Precepts

Council Tax Calculation

Appendix A

As per compiled budget schedules and £6.97 Council Tax increase

	£	£
a	City Council Gross Expenditure	111,125,729
b1	City Council Gross Income	(89,338,563)
b2	Non Domestic Rates Baseline Funding	(5,622,759)
b3	Revenue Support Grant	(1,397,742)
b4	New Homes Bonus	(997,950)
	<hr/>	
b	City Council Gross Income (including grants)	(97,357,014)
c	City Council Council Tax Requirement (a-b)	13,768,715
d	Basic Council Tax for year (including parish precepts)	258.09
	(c divided by Council Tax base of 53,348.27)	53,348.27
e	Special Items (Parish Precepts)	970,732
c-e	Net demand on Collection Fund (excluding Parish Precepts)	12,797,983
f	Basic Council Tax for parts of the area where Special items do not apply ((c-e) / Council Tax base)	239.89

- 1 To confirm the calculation of the Service Director Finance & Procurement (S151 Officer) of:
 - a) the Council Tax base 2024/25 for the whole Council area as 53,348.27. Item T in the formula in Section 31B (3) of the Local Government Finance Act 1992, as amended (the 'Act')) and
 - b) for dwellings in those parts of its area to which a Parish precept relates as in the attached Appendix C.
- 2 To calculate that the Council Tax requirement for the council's own purposes for 2024/25 (excluding parish precepts) is £239.89
- 3 That the following amounts be now calculated by the Council for the year 2024/25 in accordance with Sections 31 to 36 of the Local Government Finance Act 1992:
 - a) £111,125,729 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(2) of the Act, taking into account all precepts issued to it by Parish Councils.
 - b) £97,357,014 being the aggregate of the amounts which the Council estimates for the items set out in Section 31A(3) of the Act.
 - c) £13,768,715 being the amount by which the aggregate at 3(a) above exceeds the aggregate at 3(b) above, calculated by the Council, in accordance with Section 31A(4) of the Act, as its Council Tax requirement for the year.
 - d) £258.09 being the amount at c) above divided by the Council Tax base (53,348.27) calculated by the Council, in accordance with Section 31B(1) of the Act, as the basic amount of its Council Tax for the year (including Parish precepts).
 - e) £970,732 being the aggregate amount of all special items (Parish precepts) referred to in Section 34(1) of the Act (as in Appendix C).
 - f) £239.89 being the amount at d) above less the result given by dividing the amount at e) above by the Council Tax base (53,348.27) calculated by the Council, in accordance with Section 34(2) of the Act, as the basic amount of its Council Tax for the year for dwellings in those parts of its area to which no special item (Parish precept) relates.

g) Part of the Council's area

Adisham	60.56
Barham	82.60
Bekesbourne with Patrixbourne	62.94
Bishopsbourne	64.29
Blean	38.48
Bridge	53.48
Chartham	89.65
Chestfield	47.72
Chislet	42.86
Fordwich	60.70
Hackington	33.51
Harbledown and Rough Common	24.59
Hardres Lower	46.14
Hardres Upper	36.42
Herne & Broomfield	63.95
Hersden	60.11
Hoath	45.03
Ickham	86.40
Kingston	49.00
Littlebourne	67.81
Petham	49.96
Sturry	53.56

Thanington Without	25.84
Waltham	37.86
Westbere	114.44
Wickhambreaux	66.67
Womenswold	88.00

Being the amounts of the special items relating to dwelling in these parts of the City Council's area mentioned above, divided in each case by the respective Council tax base for each area, calculated by the Council, in accordance with section 34(3) of the Act, as the basic amount of its council tax for the year for dwellings in those parts of its area to which one or more special items relate.

The basic amount of its council tax for dwellings in these parts of the City Council's area is calculated by adding each of these amounts to the amount at f) above.

h) Being the amounts given by multiplying the amounts and f) and g) above by the number which in proportion set out in Section 5(1) of the Act, is applicable to dwellings listed in a particular valuation band divided by the number which in that proportion is applicable to dwellings listed in valuation band D, calculated by the Council, in accordance with Section 36(1) of the Act, as the amounts to be taken into account for the year in respect of categories of dwellings listed in different valuation bands.

BAND	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Adisham	200.30	233.68	267.07	300.45	367.22	433.98	500.75	600.90
Barham	214.99	250.83	286.66	322.49	394.15	465.82	537.48	644.98
Bekesbourne with Patricbourne	201.89	235.53	269.18	302.83	370.13	437.42	504.72	605.66
Bishopsbourne	202.79	236.58	270.38	304.18	371.78	439.37	506.97	608.36
Blean	185.58	216.51	247.44	278.37	340.23	402.09	463.95	556.74
Bridge	195.58	228.18	260.77	293.37	358.56	423.76	488.95	586.74
Chartham	219.69	256.31	292.92	329.54	402.77	476.00	549.23	659.08
Chestfield	191.74	223.70	255.65	287.61	351.52	415.44	479.35	575.22
Chislet	188.50	219.92	251.33	282.75	345.58	408.42	471.25	565.50
Fordwich	200.39	233.79	267.19	300.59	367.39	434.19	500.98	601.18
Hackington	182.27	212.64	243.02	273.40	334.16	394.91	455.67	546.80
Harbledown and Rough Common	176.32	205.71	235.09	264.48	323.25	382.03	440.80	528.96
Hardres Lower	190.69	222.47	254.25	286.03	349.59	413.15	476.72	572.06
Hardres Upper	184.21	214.91	245.61	276.31	337.71	399.11	460.52	552.62
Herne & Broomfield	202.56	236.32	270.08	303.84	371.36	438.88	506.40	607.68
Hersden	200.00	233.33	266.67	300.00	366.67	433.33	500.00	600.00
Hoath	189.95	221.60	253.26	284.92	348.24	411.55	474.87	569.84
Ickham	217.53	253.78	290.04	326.29	398.80	471.31	543.82	652.58
Kingston	192.59	224.69	256.79	288.89	353.09	417.29	481.48	577.78
Littlebourne	205.13	239.32	273.51	307.70	376.08	444.46	512.83	615.40
Petham	193.23	225.44	257.64	289.85	354.26	418.67	483.08	579.70
Sturry	195.63	228.24	260.84	293.45	358.66	423.87	489.08	586.90
Thanington Without	177.15	206.68	236.20	265.73	324.78	383.83	442.88	531.46
Waltham	185.17	216.03	246.89	277.75	339.47	401.19	462.92	555.50
Westbere	236.22	275.59	314.96	354.33	433.07	511.81	590.55	708.66
Wickhambreaux	204.37	238.44	272.50	306.56	374.68	442.81	510.93	613.12
Womenswold	218.59	255.03	291.46	327.89	400.75	473.62	546.48	655.78
All other parts of the Council's area	159.93	186.58	213.24	239.89	293.20	346.51	399.82	479.78

4 That it be noted that for the year 2024/25 the Kent County Council, The Kent Police and Crime Commissioner (KPCC) and the Kent And Medway Fire and Rescue Authority have stated the following amounts in precepts issued to the Council, in accordance with Section 40 of the Local Government Finance Act 1992, for each of the categories of dwellings shown below:

BAND	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Kent County Council	1,073.88	1,252.86	1,431.84	1,610.82	1,968.78	2,326.74	2,684.70	3,221.64
Kent Police and Crime Commissioner	170.77	199.23	227.69	256.15	313.07	369.99	426.92	512.30
Kent and Medway Fire and Rescue Authority	59.94	69.93	79.92	89.91	109.89	129.87	149.85	179.82

5 That, having calculated the aggregate in each case of the amounts and h) and 4 above, the Council in accordance with Section 30(2) of the Local Government Finance Act 1992, hereby sets the following amounts as the amount of council tax for the year 2024/25 for each of the categories of dwellings shown below:

BAND	A	B	C	D	E	F	G	H
	£	£	£	£	£	£	£	£
Adisham	1,504.89	1,755.70	2,006.52	2,257.33	2,758.96	3,260.58	3,762.22	4,514.66
Barham	1,519.58	1,772.85	2,026.11	2,279.37	2,785.89	3,292.42	3,798.95	4,558.74
Bekesbourne with Patricxbourne	1,506.48	1,757.55	2,008.63	2,259.71	2,761.87	3,264.02	3,766.19	4,519.42
Bishopsbourne	1,507.38	1,758.60	2,009.83	2,261.06	2,763.52	3,265.97	3,768.44	4,522.12
Blean	1,490.17	1,738.53	1,986.89	2,235.25	2,731.97	3,228.69	3,725.42	4,470.50
Bridge	1,500.17	1,750.20	2,000.22	2,250.25	2,750.30	3,250.36	3,750.42	4,500.50
Chartham	1,524.28	1,778.33	2,032.37	2,286.42	2,794.51	3,302.60	3,810.70	4,572.84
Chestfield	1,496.33	1,745.72	1,995.10	2,244.49	2,743.26	3,242.04	3,740.82	4,488.98
Chislet	1,493.09	1,741.94	1,990.78	2,239.63	2,737.32	3,235.02	3,732.72	4,479.26
Fordwich	1,504.98	1,755.81	2,006.64	2,257.47	2,759.13	3,260.79	3,762.45	4,514.94
Hackington	1,486.86	1,734.66	1,982.47	2,230.28	2,725.90	3,221.51	3,717.14	4,460.56
Harbledown and Rough Common	1,480.91	1,727.73	1,974.54	2,221.36	2,714.99	3,208.63	3,702.27	4,442.72
Hardres Lower	1,495.28	1,744.49	1,993.70	2,242.91	2,741.33	3,239.75	3,738.19	4,485.82
Hardres Upper	1,488.80	1,736.93	1,985.06	2,233.19	2,729.45	3,225.71	3,721.99	4,466.38
Herne & Broomfield	1,507.15	1,758.34	2,009.53	2,260.72	2,763.10	3,265.48	3,767.87	4,521.44
Hersden	1,504.59	1,755.35	2,006.12	2,256.88	2,758.41	3,259.93	3,761.47	4,513.76
Hoath	1,494.54	1,743.62	1,992.71	2,241.80	2,739.98	3,238.15	3,736.34	4,483.60
Ickham	1,522.12	1,775.80	2,029.49	2,283.17	2,790.54	3,297.91	3,805.29	4,566.34
Kingston	1,497.18	1,746.71	1,996.24	2,245.77	2,744.83	3,243.89	3,742.95	4,491.54
Littlebourne	1,509.72	1,761.34	2,012.96	2,264.58	2,767.82	3,271.06	3,774.30	4,529.16
Petham	1,497.82	1,747.46	1,997.09	2,246.73	2,746.00	3,245.27	3,744.55	4,493.46
Sturry	1,500.22	1,750.26	2,000.29	2,250.33	2,750.40	3,250.47	3,750.55	4,500.66
Thanington Without	1,481.74	1,728.70	1,975.65	2,222.61	2,716.52	3,210.43	3,704.35	4,445.22
Waltham	1,489.76	1,738.05	1,986.34	2,234.63	2,731.21	3,227.79	3,724.39	4,469.26
Westbere	1,540.81	1,797.61	2,054.41	2,311.21	2,824.81	3,338.41	3,852.02	4,622.42
Wickhambreaux	1,508.96	1,760.46	2,011.95	2,263.44	2,766.42	3,269.41	3,772.40	4,526.88
Womenswold	1,523.18	1,777.05	2,030.91	2,284.77	2,792.49	3,300.22	3,807.95	4,569.54
All other parts of the Council's area	1,464.52	1,708.60	1,952.69	2,196.77	2,684.94	3,173.11	3,661.29	4,393.54

Parish Council Precepts							Appendix C	
2023/24				2024/25				
Parish	Tax Base	Precept	Council Tax Band D	Tax Base	Precept	Council Tax Band D	Council Tax increase /decrease(-)	
		£	£		£	£		
Adisham	234.20	12,350	52.73	235.31	14,250	60.56	14.85%	
Barham	545.36	43,085	79.00	551.56	45,557	82.60	4.56%	
Bekesbourne/Patrixbourne	360.73	22,214	61.58	368.03	23,164	62.94	2.21%	
Bishopsbourne	123.25	8,000	64.91	124.57	8,008	64.29	-0.96%	
Blean	648.69	23,825	36.73	649.76	25,000	38.48	4.76%	
Bridge	672.37	34,000	50.57	673.09	36,000	53.48	5.75%	
Chartham	1,639.32	139,590	85.15	1650.41	147,955	89.65	5.28%	
Chestfield	1,558.32	64,673	41.50	1568.53	74,854	47.72	14.99%	
Chislet	345.40	15,000	43.43	349.99	15,000	42.86	-1.31%	
Fordwich	187.36	10,260	54.76	185.94	11,286	60.70	10.85%	
Hackington	244.02	8,056	33.01	240.41	8,056	33.51	1.51%	
Harbledown/Rough Common	889.65	21,224	23.86	896.21	22,042	24.59	3.06%	
Hardres Lower/Nackington	278.24	11,922	42.85	281.76	13,000	46.14	7.68%	
Hardres Upper	197.20	6,566	33.30	198.65	7,234	36.42	9.37%	
Herne and Broomfield	3,131.47	191,363	61.11	3126.25	199,920	63.95	4.65%	
Hersden	663.17	20,894	31.51	650.76	39,119	60.11	90.76%	
Hoath	218.18	9,000	41.25	222.07	10,000	45.03	9.16%	
Ickham	198.05	7,144	36.07	196.75	17,000	86.40	139.53%	
Kingston	227.44	8,000	35.17	224.50	11,000	49.00	39.32%	
Littlebourne	674.22	44,493	65.99	671.75	45,552	67.81	2.76%	
Petham	318.50	15,800	49.61	316.24	15,800	49.96	0.71%	
Sturry	1,849.60	105,000	56.77	1960.29	105,000	53.56	-5.65%	
Thanington Without	929.50	25,000	26.90	967.51	25,000	25.84	-3.94%	
Waltham	215.18	7,161	33.28	216.07	8,180	37.86	13.76%	
Westbere	143.36	13,408	93.53	145.76	16,681	114.44	22.36%	
Wickhambreaux	238.01	16,074	67.53	241.08	16,074	66.67	-1.27%	
Womenswold	115.31	9,000	78.05	113.63	10,000	88.00	12.75%	
Total		893,102			970,732			

CANTERBURY CITY COUNCIL

AUDIT COMMITTEE

Minutes of a meeting held 24 Jan 2024,
At 7.30 pm at The Guildhall, St. Peter's Place, Westgate, Canterbury

Present: Councillor Alister Brady (Chair)
Councillor Dane Buckman
Councillor Elizabeth Carr-Ellis
Councillor Roben Franklin
Councillor Andrew Harvey
Councillor Robert Jones
Councillor Peter Old (sub)

In Attendance: Councillor Michael Dixey*

Officers: Tricia Marshall - Director of Corporate Services and Head of Paid Service
Nicci Mills - Service Director, Finance and Procurement
Jan Guyler - Head of Legal Services and Monitoring Officer
Rob May - Head of Finance
Christine Parker - Head of East Kent Audit Partnership
Christopher Parker - Deputy Head of Audit
Lauren Wheeler - Democratic Services Officer

(*present for part of the meeting)

475. Apologies for absence

Apologies for absence were received from Councillor Dan Smith.

476. Substitute members

Councillor Peter Old was present for Councillor Dan Smith.

477. Declarations of interest by Members or Officers

There were no declarations of interest by Members or Officers.

478. Minutes of the meeting held on 4 October 2023

The minutes were confirmed as a record by general assent. Councillor Old was not present at the last meeting.

479. Public participation

There were no speakers present at the meeting.

480. Councillor Interest Governance Review

The Corporate Services Director and Head of Paid Service introduced the covering report, audit report and related action plan. They drew attention to the additional paragraphs in the covering report that addressed some of the areas of concern that had been raised that were not part of the Governance Review.

The Head of Audit Partnership presented an overview of the Governance Review they had undertaken. A summary of the report and the audit work included:

- The purpose of the review
- The five requirements of the terms of reference, signed off by political group leaders
- A timeline with key documents of interest to support the findings, including an email to the Planning Officers regarding the Call For Sites application alerting them to the site being owned by the councillors
- The conclusions against each of five tasks leading to three recommendations
- Action Plan

The recommendations agreed were to enhance the current governance arrangements considered during the review to be of a high standard, for example; 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”.

The Head of Legal Services and Monitoring Officer provided an update on the processes reviewed and the action taken so far to implement the recommendations:

Re: Recommendation 1

- A declaration section has been added by Planning to the site submission form to enable officers to identify if a landowner is a member, an officer or related to either of those.
- The process note has been reviewed and updated by Planning, the form and process note will be considered by Management Team shortly for approval, no amendments are required to the Constitution to the proposals.

Re: Recommendation 2

- Proposal to make amendments to the Members Code of Conduct to include under other registrable interests ‘any unpaid directorships’.
- Proposal for the Delegation of Authority to be granted to the Monitoring Officer to enable the necessary changes to the Members Code of Conduct and any other related sections of the Constitution (incl. DPI and OSI process).

Re: Recommendation 3

- Proposal to introduce a S.32 control sheet (sensitive interest request - Appendix 3 of the review), for retaining by the Monitoring Officer once completed. The format will be considered by Management Team shortly for approval and for a subsequent review of any amendments required to the Constitution.

A further report on the recommendations will be taken to the Standards Committee, Governance Committee, and Full Council in February to consider the proposals above.

During the debate, the points discussed and additional details provided by officers included:

- The considerable public interest in the review
- The strong disappointment felt by (some) members to the lack of (in their opinion) a thorough and formal investigation
- A summary of the responses provided by officers to Freedom of Information requests and types of information provided and/or not available
- Reassurance required for residents that the matters have been satisfactorily and robustly handled
- Consideration of commissioning an independent investigation
- The point at which declarations and the purchase of property were made in relation to the draft Local Plan
- The members Code of Conduct, and the (very prescribed) process of making a complaint about a councillor's conduct including the screening tests and subsequent steps that may be taken
- Escalation/crossover of internal reviews with Police investigations
- Complaints about former councillors, inability to compel former councillors to co-operate with an investigation, lack of enforceable sanctions etc.
- The importance of transparency and openness and readily available information to the public in such cases
- Adherence to the Nolan Principles
- The current process of referring members of the public to report concerns to the Police if they have suspicion or evidence of criminality, and how this could be improved
- The planning process regarding land owned by councillors (their families, and/or associates), and the review of any declarations required should circumstances change or develop
- The disrepute to the council and lack of confidence this may have conveyed to residents that the right review has been undertaken
- The Kent wide Member Code of Conduct and arrangements currently adopted jointly across the county demonstrate that sound arrangements are in place, and all will jointly consider the enhancement to add "any unpaid directorships" to the Code.
- The Localism Act 2011 and the relevant section of the Constitution relating to these matters

It was clarified that:

- One complaint had been received by the Monitoring Officer in this instance
- The complaint was received in September 2023 and thus had failed the first “screening test”, as the subject Councillors were no longer Councillors.
- All FOI’s had been fully responded to in compliance with the legislation
- All councillors had the opportunity and responsibility to declare their interests at meetings and seek advice
- It was not possible to enforce sanctions on former councillors, nor compel them to take any part in attending interviews or answering questions
- Officers were unable to comment on (or if there is) any ongoing criminal matters arising from a councillor complaint

It was proposed, seconded and when put to a vote RESOLVED that;

The committee RECOMMEND the constitution be amended to “If the complaint identifies potential criminal conduct or potential breach of other regulations by the Subject Councillor or any other person, then council officers should report the complaint to the police.”

A record of the vote was taken as follows:

For: (7) Councillor Brady, Councillor Buckman, Councillor Carr-Ellis, Councillor Franklin, Councillor Harvey, Councillor Jones, Councillor Old

Against: None

Abstained from voting: None

The committee RECOMMEND to Cabinet that an external investigation is carried out.

A record of the vote was taken as follows:

For: (6) Councillor Brady, Councillor Buckman, Councillor Carr-Ellis, Councillor Franklin, Councillor Jones, Councillor Old

Against: None

Abstained from voting: (1) Councillor A Harvey

481. 2023-24 Half Year Treasury Management Report

The Service Director - Finance and Procurement presented the report and provided a summary.

The points discussed and raised by members included:

- Frequency of reporting
- Short term borrowing and interest rates
- Treasury activity
- Debt repayment levels in comparison to other authorities
- Format of tables contained in the report

The committee NOTED the report by general assent.

482. East Kent Audit Partnership Internal Quarterly Audit Report

The Deputy Head of the East Kent Audit Partnership presented the report asking members to accept the results of internal audit work, and make comments, if required, to full Council.

An update was provided on progress since the report to the last committee meeting and the main points were summarised. The following points were discussed:

- Licensing Key Performance Indicators (KPI's), circulated to management and to this committee
- Freedom of Information KPI's - up to date figures to be circulated to members and a follow-up provided to this committee at a later date
- Car parking Income - the Head of Service to circulate an update to members, the Head of Finance and Procurement confirmed that costs are covered with a slight positive variance
- The improvements to the Complaints process were welcomed. An update on the four recommendations agreed by management to be provided to this committee
- There are no recommendations outstanding from the Action plan
- Satisfaction survey rates, the current process and comparison to other authorities

It was proposed, seconded and when put to a vote unanimously RESOLVED that;

The Committee accepts the results of internal audit work.

483. Update Report on Strategic Risk Register

The Service Director – Finance and Procurement confirmed there was no update to the register since the last meeting.

The committee NOTED the update by general assent.

484. Regulation of Investigatory Powers Act (RIPA) 2000

The Head of Legal Services & Monitoring Officer provided an overview of RIPA framework and requirements. An annual report will be produced for the next meeting.

The Service Director – Finance and Procurement confirmed there were no incidents to

report since the last meeting.

The committee NOTED the update by general assent.

485. Date of next meeting

The date of the next meeting is 7pm on Wednesday 13 March 2024

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

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

487. Exclusion of the press and public

It was proposed, seconded and when put to a vote unanimously RESOLVED 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.

488. Any other urgent business to be dealt with in private

There was no urgent business.

There being no other business the meeting closed at 8:56pm

Date published: 19 February 2024

Any decision in the minutes below will come into force, and may be implemented, on the expiry of three clear working days after the publication of the decision, unless a valid request has been received by the Head of Paid Service objecting to the decision and asking for it to be called in.

CANTERBURY CITY COUNCIL

CABINET

Minutes of the meeting held on Thursday 8 February 2024 at 7 pm in The Guildhall, St Peter's Place, Westgate, Canterbury

Present: Councillor Alan Bladock - Chair
Councillor Michael Dixey - Vice Chair
Councillor Charlotte Cornell
Councillor Chris Cornell
Councillor Mel Dawkins
Councillor Pip Hazelton
Councillor Connie Nolan
Councillor Alex Ricketts
Councillor Mike Sole

In attendance: Councillor David Thomas

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

(* present for part of the meeting)

527. Apologies for absence

There were no apologies for absence.

528. Declarations of interest by Members or Officers

In relation to Item 11, Councillor Mel Dawkins and Councillor Mike Sole made a voluntary announcement that they were Kent County Council councillors.

529. Announcements

No announcements were made.

530. Public participation

The Chair advised that there were no public speakers for the meeting.

531. Minutes of the meeting held on 4 December 2023

The minutes of the meeting on 4 December 2023 were agreed as a true record by general assent.

532. References from Committees

The minutes of the Overview and Scrutiny Committee held on 25 January 2024 were noted.

533. EKS Transition Business Case

Councillor Alan Baldock, the Leader, introduced the report asking for the approval of the transition of outsourced services (Civica UK Limited) to a LATCo service delivery vehicle.

The Cabinet discussed the report and clarification was provided where needed by the Director of Corporate Services.

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

- a) to exit from the contract with Civica UK Limited for the delivery of Revenue, Benefits and Customer Services.
- b) to approve the LATCo service delivery vehicle as the preferred option for future service delivery.
- c) to approve the business case for the LATCo pursuant to Article 2(2)(b) of the Local Government (Best Value Authorities) (Power to Trade) (England) Order 2009.
- d) to the extent that it is not otherwise authorised to do so, to authorise the East Kent Services Committee to exercise the powers and functions of the Council to form the LATCo and to enter into the contract with it to include (but not limited to) making decisions on behalf of the Council in relation to point 9 of this report.

Record of the vote:

For (9): Councillors Alan Bladock, Charlotte Cornell, Chris Cornell, Mel Dawkins, Michael Dixey, Pip Hazelton, Connie Nolan, Alex Ricketts and Mike Sole.

Against (0)
Abstained (0)

Reason for the decision: With the added ability to generate new revenue income streams, flexibility to attract and retain high calibre staff, due to enhanced terms and conditions, the LATCo was the preferred choice of service delivery vehicle. With an uncertain and challenging financial environment the LATCo was more able to weather the uncertainty by generating additional income streams to support frontline services. The ability of a LATCo to minimise costs and maximise efficiencies and deliver innovative services to communities and residents were a significant factor to support the LATCo approach.

534. Non domestic rates (business rates) discretionary relief policy

The Cabinet Member for Finance introduced the report which explained that businesses were currently able to apply for discretionary relief to alleviate the burden of business rates in certain circumstances. There were currently two policies from different years covering the decision making process which meant it was not transparent to applicants. The proposal was to create two 'volumes' for the overall Discretionary Policy.

There were three options available to Cabinet members, which were:

Option 1 - do nothing and leave the policies as they were.

Option 2 - revise the policies as proposed.

Option 3 - revise the policy but use different methodology for assessing and awarding discretionary relief.

The report was discussed and the Service Director for Finance provided clarification where required.

- This was a timely piece of work which fundamentally would help businesses.
- The quickest way for businesses to get support was via the council's website.

It was proposed, seconded and when put to a vote RECOMMENDED to Full Council to:

- 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

Record of the vote:

For (9): Councillors Alan Bladock, Charlotte Cornell, Chris Cornell, Mel Dawkins, Michael Dixey, Pip Hazelton, Connie Nolan, Alex Ricketts and Mike Sole.

Against (0)
Abstained (0)

535. Pay Policy Statement 2024/25

The Cabinet Member for Finance introduced the report which explained that Section 38(1) of the Localism Act 2011 required the council to adopt a Pay Policy each year. The report set out the draft policy and sought its endorsement.

There were two options available within the report, to

- a) Recommend the Pay Policy statement to Full Council for adoption or,
- b) To not accept the Pay Policy Statement.

Cabinet Members debated the report and clarification was provided by the Corporate Services Director:

- The lowest paid staff would probably be on variable hours which is why they would be paid by the hour, rather than an annual salary.
- The council was a responsible employer and had made a previous commitment to pay not less than the Living Wage Foundation living wage from April each year.

It was proposed, seconded and when put to a vote RECOMMENDED to Full Council:

That the Pay Policy Statement for 2024/25 be adopted

Record of the vote:

For (9): Councillors Alan Bladock, Charlotte Cornell, Chris Cornell, Mel Dawkins, Michael Dixey, Pip Hazelton, Connie Nolan, Alex Ricketts and Mike Sole.

Against (0)

Abstained (0)

536. Council Tax 2024/25 To approve the council tax for the District including KCC, KMFRA, Kent Police and parish council precepts

The Cabinet Member for Finance introduced the report explaining that Full Council was required to set the level of Council Tax for the next financial year. The report set out the various calculations needed to see the Council Tax for the district and each parish within the district.

It was proposed, seconded and RECOMMENDED to Council that:

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

Record of the vote:

For (9): Councillors Alan Bladock, Charlotte Cornell, Chris Cornell, Mel Dawkins, Michael Dixey, Pip Hazelton, Connie Nolan, Alex Ricketts and Mike Sole.

Against (0)
Abstained (0)

537. Household Waste & Recycling Centre Lease

(Councillor Mel Dawkins and Councillor Mike Sole made a voluntary announcement that they were Kent County Council councillors.)

The Cabinet Member for Property, performance and oversight introduced the report which was seeking authority to agree the proposed terms of a new lease to Kent County Council for the Canterbury Household Waste Recycling Centre.

Councillors attention was drawn to the confidential annex and advised that they would need to go into closed session if they wished to discuss it.

There were two options available for councillors:

- 1) To grant the new lease on the basis of the agreed Head of Terms
- 2) Not to agree the new letting.

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

RESOLVED:

- a) that the Head of Property & Regeneration be authorised to make any minor amendments necessary to the Heads of Terms and to agree the final terms of the lease.
- b) to authorise the Head of Legal Services to enter into any legal documentation necessary to complete the lease.

Record of the vote:

For (9): Councillors Alan Bladock, Charlotte Cornell, Chris Cornell, Mel Dawkins, Michael Dixey, Pip Hazelton, Connie Nolan, Alex Ricketts and Mike Sole.

Against (0)
Abstained (0)

Reason for the decision: The existing use of the site was well established, well used and considered by many to be an essential public facility. By granting a new lease, the council could ensure the site could continue to be used. The letting would provide the council with improved rental income in line with market evidence.

There was a short adjournment at this point of the meeting.

538. LUF Highway projects : decision to implement

The Cabinet Member for Tourism, Movement and Rural Development introduced the report which set out the main improvements to the public highway that were included in the Levelling Up Fund (LUF) bid, and provided a summary of the public consultation responses to the outline designs, and set out proposed changes. It was noted that the Overview and Scrutiny Committee agreed with the recommendations at their meeting on 25 January 2024 and their comments were included within the report.

There were two options available:

- a) To resolve that the detailed designs shown on the drawings in Appendices 2-5 relating to the following projects - Westgate Square, St George's Square, St George's Lane, Dane John to Castle (via Castle Row car park) are agreed.
- b) To make changes to the detailed designs shown on the drawings in Appendices 2-5 relating to the following projects, Westgate Square, St George's Square, St George's Lane, Dane John to Castle (via Castle Row car park).

Councillors debated the proposals and clarification was provided by the Head of Transport and Environment. The following points were amongst those raised:

- Discussions had been held at both Joint Transportation Board regarding the Pound Lane closure and Overview and Scrutiny Committee. People were broadly in favour during the consultation.
- Works would be very closely monitored.
- The level of engagement had been pleasing.
- The impact of the closure of Pound Lane couldn't be ignored, but works within the car park such as the repainting of directional arrows would help. Signage to warn of delays and suggesting using other car parks would be installed. ANPR could also help aid the flow in the car park.
- Pound Lane exit by the Westgate Towers had already been closed for some time, so people were already used to it.
- It was important that all LUF project teams talked to each other.
- The co-location of bins and planters was a good idea and should be investigated further.
- There was some concern about the proposals and It was important to remember that Canterbury was a heritage city and appropriate materials should be used.
- It was good to see that the concerns of the Overview and Scrutiny Committee were being addressed.
- Although not directly related to this item, It was important that comments related to accessible toilets were not lost.

It was proposed, seconded and unanimously agreed:

RESOLVED:

- a) 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.
- b) That a Section 278 agreement is entered into with Kent County Council for the implementation of these projects.
 - c) 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 Kent County Council and/or Canterbury City Council.

Record of the vote:

For (9): Councillors Alan Bladock, Charlotte Cornell, Chris Cornell, Mel Dawkins, Michael Dixey, Pip Hazelton, Connie Nolan, Alex Ricketts and Mike Sole.

Against (0)

Abstained (0)

Reason for the decision: The proposed design changes incorporated many of the views and suggestions from the consultation as possible, whilst still ensuring the key outputs of the LUF bid were delivered.

539. Proposed changes to charges and conditions in council car parks

The Cabinet Member for Tourism, Movement and Rural Development introduced the report which set 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 responses. It was noted that the Overview and Scrutiny Committee on 25 January 2024 recommended the resolutions and their comments were included within the report.

There were three options available:

- a) To resolve that the OSPPO proposals set out in Appendix 1 and Appendix 2 (items 1-55) were implemented and the financial impact of item numbers 56-61 included in the 2024/25 budget.
- b) To make changes to any of the OSPPO proposals set out in Appendix 1 or Appendix 2 and these are then implemented, or to make changes to any of the item numbers 56-61 and include these in the 2024/25 budget.
- c) Not to implement any of the OSPPO proposals or to include items 56-61 in the 2024/25 budget.

Councillors debated the proposals and clarification where provided where necessary by the Cabinet member:

- It was acknowledged that nobody liked increasing parking charges but there was no other choice.
- Reinstating the Sturry Road Park and Ride and the three hour blue badge parking were issues that had been supported in the consultation.

- The residents rate had been a long time coming and should be welcomed.
- A percentage of the car parks would be cheaper next year than they were this year.
- If usage dropped off in some of the car parks, things could be reviewed.
- Officers were thanked for their work on the proposals.
- The introduction of three 'bands' was welcomed to give users a choice - pay more to park centrally, or park somewhere cheaper and walk.
- The answer to women leaving venues later at night was to make the city a safe place to move around at all times.
- There were £300K of improvements planned for the Castle Street multi storey but there was a lot of work to be done and monitoring would be needed. However, the best remedy was to make them well used.
- Pound Lane was an issue due to congestion and that was why it had been identified as a Band 1 car park.
- There was a small pot of money available for incentives, such as Christmas parking and it was hoped that would be expanded in the future.
- All changes were part of the bigger transport strategy.
- Bands should encourage use of car parks in less congested areas and be better environmentally.
- Significant funds had been set aside for the marketing campaign which would include colour coded signage.
- People would be encouraged to park in Bands 2 and 3, with Band 1 coming in at a premium.

It was proposed, seconded and unanimously RESOLVED:

- (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 the vote:

For (9): Councillors Alan Bladock, Charlotte Cornell, Chris Cornell, Mel Dawkins, Michael Dixey, Pip Hazelton, Connie Nolan, Alex Ricketts and Mike Sole.

Against (0)

Abstained (0)

Reason for the decision: The proposals would help to meet objectives of transport, parking and climate change policies that encouraged greater use of sustainable transport and Park and Ride. Rationalising tariffs into 'bands' would provide great consistency and enable informed parking choices. Having a residents rate was fairer

for those living in the district. Restoring the three hour free period for blue badge holders would bring charging back in line with onstreet parking arrangements. Additional income would help reduce the council's overall funding gap. The changes reflected some of the concerns expressed in the public consultation.

540. General Fund revenue and capital budgets 2024/25

The Cabinet Member for Finance introduced the report which set out the key financial issues facing the Council from 2023 to 2025 and advised councillors on key budget assumptions, and put forward budget proposals for 2024/25 for consultation.

Options available to councillors were:

- a) To agree the recommendations as set out within the report or
- b) To amend the recommendations

It was noted that the Overview and Scrutiny Committee had discussed the report at its meeting on 25 January 2024.

Thanks were given to officers who had been working with a new administration and very difficult budgets.

It was proposed, seconded and when put to a vote unanimously agreed to **RECOMMEND 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 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.

Record of the vote:

For (9): Councillors Alan Bladock, Charlotte Cornell, Chris Cornell, Mel Dawkins, Michael Dixey, Pip Hazelton, Connie Nolan, Alex Ricketts and Mike Sole.

Against (0)

Abstained (0)

541. Housing Revenue Account revenue and capital budgets 2024/25

The Cabinet member for Finance 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.

Cabinet members noted the comments that had been made by the Overview and Scrutiny Committee at the meeting on 25 January 2024 which were included within the report.

Three options were available:

- 1) Recommend that the draft housing revenue and capital budget should be approved.
- 2) Recommend that the draft housing revenue and capital budget should be amended.
- 3) Recommend that the draft housing revenue and capital budget to Council is not accepted.

Cabinet members discussed the report. Thanks were given to the Service Director for Finance and team and welcomed Rob May, the new Head of Finance. It was noted that mainly operational comments had been made at the Overview and Scrutiny Committee.

The Housing Strategy Manager explained that he had met with the Resident Engagement Panel where a robust and wide ranging discussion had taken place. Residents were in agreement with the changes, except for one who had abstained due to not paying service charges.

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

RECOMMEND to FULL COUNCIL:

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

Record of the vote:

For (9): Councillors Alan Bladock, Charlotte Cornell, Chris Cornell, Mel Dawkins, Michael Dixey, Pip Hazelton, Connie Nolan, Alex Ricketts and Mike Sole.

Against (0)

Abstained (0)

542. Opportunity to purchase affordable housing near Canterbury (pages 419 to 428)

The Cabinet Member for Housing introduced the item 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 advised that the proposal had been discussed by the Overview and Scrutiny Committee on 25 January 2024 and comments were included in the confidential annex. However, if councillors wished to discuss anything within the annex, they need to go into closed session to do so.

Councillors welcomed the item and thanked officers for listening to their priorities and finding high quality new housing stock to add to the council housing portfolio.

The options available to councillors were:

- 1) Recommend the purchase of the new affordable homes for the price specified in the confidential annex to help meet housing needs in the district.
- 2) That the terms of the proposed purchase be renegotiated, which may be unacceptable to the developer.
- 3) That the council withdrew from the proposed purchase.

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

RECOMMEND TO FULL COUNCIL

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

Record of the vote:

For (9): Councillors Alan Bladock, Charlotte Cornell, Chris Cornell, Mel Dawkins, Michael Dixey, Pip Hazelton, Connie Nolan, Alex Ricketts and Mike Sole.

Against (0)
Abstained (0)

543. Date of next meeting

7pm, Monday, 11 March 2024 (Special Meeting)

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

None notified

545. Exclusion of the press and public

546. Household Waste & Recycling Centre Lease - annex exempt from Publication

The confidential annex was not discussed.

547. Opportunity to purchase affordable housing near Canterbury - Annex exempt from publication

The confidential annex was not discussed.

548. 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.

Close the meeting.21:03

Governance Committee
2 pm, Tuesday 13 February 2024
The Guildhall

DRAFT minutes

Present:

Councillor Alan Baldock (chair)
Councillor Alex Ricketts (vice chair)
Councillor Mike Bland
Councillor Dane Buckman
Councillor Rachel Carnac
Councillor Elizabeth Carr-Ellis
Councillor Michael Dixey (substitute)
Councillor Andrew Harvey (substitute)
Councillor Joe Howes
Councillor Keji Moses
Councillor Paul Prentice
Councillor Mike Sole
Councillor Ian Stockley

In attendance:

Matthew Archer - Head of Corporate Governance
Jan Guylor - Head of Legal and Monitoring Officer
Andrea James - Democratic Services Officer
Tricia Marshall - Head of Paid Service

549. Apologies

Apologies were received from Councillors Lee Castle and Clare Turnbull.

550. Substitutes

Councillor Michael Dixey was present as a substitute for Councillor Castle, and Councillor Andrew Harvey was present as a substitute for Councillor Turnbull.

551. Declarations of any interests by councillors or officers

Councillor Alex Ricketts made a voluntary announcement that he was Chair of the Joint Transportation Board, with reference to the proposed changes to terms of reference for boards and committees in Item 5 on the agenda, Updates to the Constitution.

Councillor Paul Prentice made a voluntary announcement that he was a ward Councillor for Barton Ward, in relation to the discussion of the South Canterbury housing development and the changes to the Planning Sub-Committee regarding large developments.

552. Public Participation

There were no public speakers for the meeting.

553. Updates to the Constitution

The Head of Corporate Governance introduced the report, which recommended updates to the Constitution that would ensure the continued efficient and effective governance of the Council.

Members then went through the recommendations one at a time, asking questions of the officers and making clarifications, including the following:

Recommendation 1: To agree the amendments to Part 5, terms of reference of committees outlined in the report

- It might be useful to have more than 15 members on the Licensing Committee as training was arduous and there were many meetings, but the law stated a maximum of 15.
- The Whitstable Harbour Board Memorandum of Understanding would come to the next Governance Committee meeting later in the spring.

Recommendation 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.

- Members welcomed the idea of an independent member for Audit Committee and felt that the post should be openly advertised.
- The independent member or members should not be former City councillors.
- There should be clear criteria for who could be an independent member.
- Maybe expert witnesses could also be called by the Chair when necessary, but would that encroach on the Scrutiny Sub-Committee's role of holding services to account?
- Expert advisors would have to be paid.
- An independent member job role / person specification should be prepared.

Recommendation 3: To confirm the arrangements in relation to the Planning Sub Committee

- This was a very sensible idea to help keep track of large developments and keep the public informed of performance.
- Councillors wanted to be involved in monitoring developments, but meetings between councillors and developers without officers present were not good practice.
- This committee could not set out the detail of how planners should engage with developers, but this method of monitoring could be used as a model for the future: the Planning Committee could recommend that the Sub-Committee monitor any large development that came forward in future.

Recommendation 4: To remove the Herne Bay Residents Association from the list of amenity groups with a reserved speaking slot at the Planning Committee.

- The Herne Bay Residents Association had folded after many years of successful operation, following the death of its founder Dick Eburne.
- In the absence of the Herne Bay Residents Association, there was no one group that could represent the town as a whole.
- The pre-selected slots for local groups were there to ensure urban areas had the same grass-roots representation at Planning Committee as rural areas did through parish councils.

Recommendation 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.

- No comments

Recommendation 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.

- The cameras on the new system worked automatically, focussing on the person speaking at any given time.
- A meeting would only be quorate if sufficient numbers of members were physically present.
- It was very positive that there would be video coverage of meetings, especially in terms of engaging the public in general and better accessibility by people with disabilities. For example, by publishing the video stream via Youtube, it meant Youtube captions would be instantly supplied. The visual element would allow lipreading.
- The provider of the new technology (which also provided the chamber voting system) was a bigger company than the previous audio streaming service provider, and the testing so far, using 'audio only', was more reliable.
- The Disability Advisory Panel would be invited to watch initial video meeting streams and feedback their views and advice.
- The hybrid technology would be very useful for meetings of the Joint Transportation Board (JTB) especially, where KCC officers needed to join remotely.
- It was noted that voting by participants taking part remotely was not allowed by law, even though representatives of local government had been campaigning for this to change.
- While it was very useful that some members would be able to join remotely to speak (but not vote) at some meetings, it should not become the norm that a member who was, for example, on holiday or unwell, should be expected to join a meeting in this manner.

Recommendation 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.

- The figures concerning leases reflected reality and had been advised by professionals. The levels were being lifted, but the mode of operation was not being changed.
- The adjustments reflected the market rather than a shifting in position.

- The council offered a number of heavily discounted rents for 10-15 year periods to charities.
- Any lease over 30 years would come to committee.
- The Council was currently migrating leasehold data into a new system which would allow it to better identify where it could work assets harder.

Recommendation 8: To amend the Financial Procedure Rules as set out in the report.

- These were tidying up processes to allow the legal team to operate in a more efficient and economical manner.

It was proposed, seconded and when put to a vote

AGREED

To amend Recommendation 3 of the Item 'Updates to the Constitution' as follows:

Add the words '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' after the words 'To confirm the arrangements in relation to the Planning Sub Committee', so that the amended Recommendation 3 would read:

'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.'

Record of the vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley

Against (0): none

Abstained (0): none

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

AGREED

- 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.

Record of the vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley

Against (0): none

Abstained (0): none

554. 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 (DPI) 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 Head of Legal then talked through the report's recommendations and the amendment that had been recommended by the Standards Committee.

Members then asked questions, made points and asked for clarifications, including the following:

- The current situation had been an eye-opener for some new councillors especially, who were suddenly hearing from local residents accusations of sleaze against councillors.
- The actions taken by officers to update the forms and update the Constitution were very welcome as residents needed to see that the Council was taking action.
- While the amendment requiring the Monitoring Officer to refer matters to the police might look appealing, in practice what action could the Monitoring Officer actually take against former councillors? Could this open the door to vexatious accusations?
- The Monitoring Officer could not compel a former councillor to assist a council investigation of misconduct, but if there was the potential for criminal liability, the Monitoring Officer could report that former councillor to the police.
- A cut-off period could be set if councillors thought it should be - for example, 3 or 4 years following the date of any incident.
- This recommendation was about the expected actions of the Monitoring Officer if a member of the public reported a councillor or former councillor to them. That member of the public could go straight to the police themselves at any time to report the councillor or former councillor, so this measure was not providing a new route for someone who wanted to be vexatious.
- Setting a time limit on the measure might just invite suspicion or cause more difficulty.
- The Monitoring Officer should be able to take appropriate professional and even-handed action about any report of possible illegal conduct by any councillor or former councillor if such was made to them.
- The Code of Conduct should apply to former councillors also.
- The fact that any relevant registered business address had to be within the district or a place of business within the district for it to count towards a DPI seemed a massive loophole, as most businesses had registered addresses in strange places not linked to their trade, but this criteria was set out in the 2012 Regulations and was not something set by the Council.
- On the call for sites form, it did not appear to require you to declare if you had any land ownership held via shares in a company.
- More clarity about what should be declared generally was needed, and also about sensitive interests, as different councillors seemed to have different understandings of what needed to be declared, and what didn't.
- The Sensitive Interests Form was for the Monitoring Officer to fill out so that there was a record of the rationale applied.
- Councillors were welcome to talk to the Democratic Services team and the Monitoring Officer at any time to clarify possible interests and updates to DPIs.
- Refresher training on interests would be provided during the spring.

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

AGREED

To include the amendment recommended by the Standards Committee to 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 vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley

Against (0): none

Abstained (0): none

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

AGREED

- that (1) be noted and (2) be recommended to Full Council;

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

- A. Call for Sites Submission Form 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; It was requested and agreed that Management Team would review the Call for Sites Submission Form to ensure that it captured land owned through a company as well as land owned directly.
- B. Call for Sites Authority Employee / Member Declaration - Process Note 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. 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 vote:

For (13): Councillors Baldock, Bland, Buckman, Carnac, Carr-Ellis, Dixey, A Harvey, Howes, Moses, Prentice, Ricketts, Sole, I Stockley
Against (0): none
Abstained (0): none

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

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

556. Exclusion of the press and public

This item was not required.

557. Any other business which fall under the exempt provisions

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

The meeting ended at 16:08.