

CANTERBURY CITY COUNCIL

Minutes of a meeting of the CANTERBURY CITY COUNCIL duly convened and held on Thursday 22 February 2024 at 7.00 pm in The Guildhall, St Peter's Place, Canterbury

Present: Councillor Jean Butcher (Lord Mayor)

Councillor Baldock, Councillor Bland, 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 Howes, Councillor Jones, Councillor McKenzie, Councillor Mellish, Councillor Moses, Councillor Nolan, Councillor Old, Councillor Prentice, Councillor Ricketts, Councillor D Smith, Councillor N Smith, Councillor Sole, Councillor Thomas, Councillor Turnbull, Councillor Watkins and Councillor Wheeler.

566. Apologies for absence

Apologies for absence were received from Councillors Bothwell, Jupe, Ian Stockley, Jeanette Stockley and Warley.

567. 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.

568. Petitions or questions from the public

Three related petitions were presented and the lead petitioner, Robert Johnson, spoke.

The Lord Mayor advised the petition would be discussed under the budget item which included parking income forecasts.

569. Announcements

The Lord Mayor gave thanks to all those involved in the recent cyber incident that had affected not just our authority but others nearby. Particular thanks were given to the Digital, Data and Improvement team. A round of applause was given to them and other officers who had worked tirelessly to keep council services running.

There were no other announcements from other cabinet members or officers.

570. Budget proposals 2024/25

A. Councillor Sole delivered the Labour/Liberal Democrat leadership coalition budget priorities speech.

B. Councillor Carnac replied on behalf of the Conservative Group.

C. Councillor Turnbull replied on behalf of the Green Party Group

D. Councillor Baldock replied to the speeches by Councillors Carnac and Turnbull.

571. Recommendations to Full Council from Cabinet

(a) Pay Policy 2024/25

Councillor Baldock proposed and Councillor Dixey seconded the recommendations from the Cabinet meeting of 8 February 2024 relating to the Pay Policy Statement 2024/25 (minute) and it was

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

Record of voting:

For the vote (34): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Franklin, Andrew Harvey, Liz Harvey, Hazelton, Howes, Jones, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole, Thomas, Turnbull, Watkins and Wheeler.

Against the vote (0):

Abstained (0):

(b) Draft Housing Revenue and Capital Budget

(A)Councillors debated the proposal.

(B)Councillor Carnac proposed and Councillor Howes seconded, the following amendment:

To propose increasing garage charges – adding to the HRA income – so that charges are £13.50 per week for locals and £16.50 per week for non-tenants.

(C)This was subject to a debate and put to a vote and was LOST. Record of the voting on the amendment:

Record of voting:

For the vote (7): Councillors Carnac, Andrew Harvey, Liz Harvey, Howes, Jones, Thomas and Watkins.

Against the vote (26): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, Hazelton, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole, Turnbull and Wheeler.

Abstained (1): Councillor Butcher

(D)Councillor Baldock proposed and Councillor Dixey seconded the recommendations from the Cabinet meeting of 8 February 2024 relating to the Draft Housing Revenue Account budget and it was RESOLVED:

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

Record of voting:

For the vote (34): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, Andrew Harvey, Liz Harvey, Hazelton, Howes, Jones, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole, Thomas, Turnbull, Watkins and Wheeler.

Against the vote (0): Councillors

Abstained (0): Councillors

(c) Financial outlook and draft budget 2024/25

(A) Councillor Thomas proposed and Councillor L Harvey seconded, the following amendment:

Parking Amendments – that the free parking in William St car park from 6-9pm is reinstated by taking £5,000 from the parking discounts/incentives for events budget

(B)This was subject to a debate and put to a vote and was LOST. Record of the voting on the amendment:

Record of voting:

For the vote (7): Councillors Carnac, Andrew Harvey, Liz Harvey, Howes, Jones, Thomas and Watkins.

Against the vote (24): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, Hazelton, McKenzie, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith and Sole.

Abstained (3): Councillors Mellish, Turnbull and Wheeler.

(C)Councillor Jones proposed and Councillor Howes seconded, the following amendment:

Remove the increases for all the leisure car parks in band A (4) – this amounts to £1,642 which can be taken from the one-off marketing budget.

Leave the parking charges as they are in School Lane, Herne – this accounts for £1,628 In total that leaves £3,546 in the parking discounts/incentives for events budget

(D)This was subject to a debate and put to a vote and was LOST. Record of the voting on the amendment:

Record of voting:

For the vote (7): Councillors Carnac, Andrew Harvey, Liz Harvey, Howes, Jones, Thomas and Watkins.

Against the vote (26): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, Hazelton, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole and Wheeler.

Abstained (1): Councillor Turnbull.

(E)Councillor Howes proposed and Councillor Carnac seconded, the following amendment:

To delete the market manager as a cost-saving to the council – and tender instead for an independent market specialist to run the markets on a commercial basis

(F)This was subject to a debate and put to a vote and was LOST. Record of the voting on the amendment:

Record of voting:

For the vote (6): Councillors Carnac, Liz Harvey, Howes, Jones, Thomas and Watkins.

Against the vote (27): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, Hazelton, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole, Turnbull and Wheeler.

Abstained (1): Councillor A Harvey.

(G)Councillor Carnac proposed and Councillor Watkins seconded, the following amendment:

To restore £250 each in the opportunity fund – splitting the grants pot differently so that £9750 is for the opportunity fund and £6250 is left in the grants pot.

(H)This was subject to a debate and put to a vote and was LOST. Record of the voting on the amendment:

Record of voting:

For the vote (8): Councillors Carnac, Andrew Harvey, Liz Harvey, Howes, Jones, Thomas, Turnbull and Watkins.

Against the vote (25): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards,

Flanagan, Franklin, Hazelton, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Naomi Smith, Sole and Wheeler.
Abstained (1): Councillor D Smith.

(l)Councillor Baldock proposed and Councillor Dixey seconded the recommendations from the Cabinet meeting of 8 February 2024 relating to the Draft General Fund revenue and capital budgets 2024/25 and it was RESOLVED:

- 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 £239.89 for 2024/25, an increase of 2.99% when compared with 2023/24 (as set out in the supplement to the agenda);
- 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 voting:

For the vote (25): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Flanagan, Franklin, Hazelton, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith and Sole.

Against the vote (6): Councillors Carnac, L Harvey, Howes, Jones, Thomas and Watkins.

Abstained (3): Councillors A Harvey, Turnbull and Wheeler.

There was a short 10 minute adjournment at this point.

(d) Opportunity to purchase affordable housing near Canterbury

Councillor Baldock proposed and Councillor Dixey seconded the recommendations from the Cabinet meeting of 8 February 2024 relating to the Opportunity to purchase affordable housing near Canterbury and it was

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

Record of voting:

For the vote (34): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Franklin, Andrew Harvey, Liz Harvey, Hazelton, Howes, Jones, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole, Thomas, Turnbull, Watkins and Wheeler.

Against the vote (0):

Abstained (0):

(e) Council Tax 2024/25

Councillor Baldock proposed and Councillor Dixey seconded the recommendations from the Cabinet meeting of 8 February 2024 relating to the Council Tax 24/25 and it was

RESOLVED: That Council approves the formal resolution set out in Appendix B to set the Council Tax for 2024/25

Record of voting:

For the vote (34): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Franklin, Andrew Harvey, Liz Harvey, Hazelton, Howes, Jones, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole, Thomas, Turnbull, Watkins and Wheeler.

Against the vote (0):

Abstained (0):

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

Councillor Baldock proposed and Councillor Dixey seconded the recommendations from the Cabinet meeting of 8 February 2024 relating to the Non-domestic rates (Business rates) Discretionary relief policy and it was

RESOLVED:

- 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 voting:

For the vote (34): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Franklin, Andrew Harvey, Liz Harvey, Hazelton, Howes, Jones, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole, Thomas, Turnbull, Watkins and Wheeler.

Against the vote (0):

Abstained (0):

572. Recommendations to the Full Council from Committees and Boards

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

Councillor Flanagan proposed and Councillor Brady seconded the recommendations from the General Purposes meeting on 29 January 2024 relating to draft terms of reference for a community governance review of the parish boundary between the parished areas of Westbere and Hersden and 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 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 voting:

For the vote (34): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Franklin, Andrew Harvey, Liz Harvey, Hazelton, Howes, Jones, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole, Thomas, Turnbull, Watkins and Wheeler.

Against the vote (0):

Abstained (0):

(b) Updates to the Constitution

Councillor Baldock proposed and Councillor Dixey seconded the recommendations from the Governance Committee meeting of 13 February 2024 relating to updates of the constitution and it was

RESOLVED

1. The amendments to Part 5, terms of reference of committees, outlined in the report were agreed.
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 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 voting:

For the vote (34): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Franklin, Andrew Harvey, Liz Harvey, Hazelton, Howes, Jones, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole, Thomas, Turnbull, Watkins and Wheeler.

Against the vote (0):

Abstained (0):

(c) Councillor Interest Governance Review Recommendations

Councillor Baldock proposed and Councillor Ricketts seconded the recommendations from the Governance Committee meeting of 13 February 2024 relating to councillor interest governance review recommendations and asked council to note the separate report to accompany the referrals made by the Audit, Standards and Governance Committees.

RESOLVED

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).

Record of voting:

For the vote (34): Councillors Baldock, Bland, Brady, Buckman, Butcher, Carnac, Carr-Ellis, Castle, Charlotte Cornell, Chris Cornell, Dawkins, Dixey, Edwards, Franklin, Andrew Harvey, Liz Harvey, Hazelton, Howes, Jones, McKenzie, Mellish, Moses, Nolan, Old, Prentice, Ricketts, Dan Smith, Naomi Smith, Sole, Thomas, Turnbull, Watkins and Wheeler.

Against the vote (0):

Abstained (0):

573. Councillor questions

Councillor Howes asked the following question:

Will the leader ensure the implementation of an immediate recovery plan to return Curtis Woods to a site of natural beauty, rather than its current state of resembling a building site following work organised by Canenco?

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

The works at Curtis Wood were undertaken by Canenco's sub contractor Elite to address a health and safety issue relating to dead and dying trees (Ash and Elm) within falling distance of the Curtis Wood Road.

The issues were identified as part of the independent inspection carried out on council trees and woodlands every two years.

A Hymac excavator, fitted with a harvesting head, was used to fell 92 trees.

This is accepted to be the safest and best value for money means of felling the trees.

The Hymac, which is a tracked vehicle, has created ruts within the wood and has left the worked area looking damaged.

Curtis Wood Park is a Local Nature Reserve and is managed as such.

The felled trees will regrow from the coppice stools, albeit they will sadly still be suffering from the Ash dieback or Dutch Elm disease.

The woodland ride created through the removal of the diseased trees will grow into a biodiversity rich area known as a woodland edge habitat.

This more open part of the wood will be suitable for invertebrates (Speckled Wood butterfly), ground nesting birds and also woodland plants.

Regarding the need for a restoration plan, the best restoration plan for the site is to let nature respond to the opening up of this woodland ride.

The planting of trees is not required. There are many locally indigenous native trees waiting for such an opportunity to grow and to become part of the new canopy.

Also, the disturbed soil supports a seed bank that will immediately colonise the cleared area.

Council officers will be working with the Kentish Stour Countryside Project to monitor the wood's response to the clearance and will be reporting back to both Ward and Parish councillors on nature's recovery.

Our usual practice when any tree felling is to occur, is for officers to inform the ward councillors well in advance.

Unfortunately on this occasion we didn't do this and apologise to you and your fellow ward councillors for this error. We will ensure this doesn't happen again.

Councillor Howes asked the following supplementary question.

I have received correspondence from a local resident regarding climate emergency is clearly just words on a page. Following the example at Curtis Woods, what can we do to reassure her?

Councillor Charlotte Cornell responded.

I was copied into the same correspondence. The same resident talks about the removal of species that weren't removed, I can give you a breakdown of the species that were removed and the type of tree that was there. It is not

ideal to ever remove so many trees, but it is a health and safety issue and we were working to protect the highways at the request of other partners. We have a duty in a nature reserve to keep the space safe. We are watching to ensure other biodiverse opportunities are maximised.

Due to the lateness of the meeting, Councillors A Harvey (on behalf of Councillor Bothwell), Flanagan and Turnbull agreed that they would receive a written response to their submitted questions.

574. Notices of Motion

Councillor Carnac proposed, and Councillor Howes seconded, the following Motion:

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 indicated that the Motion would be referred to Cabinet without debate. The Leader gave an initial response and confirmed that the Motion would be referred to Cabinet.

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

There were no changes to memberships.

576. Council Minutes

Councillor Baldock proposed, and Councillor Dixey seconded, the approval of the minutes of the previous meeting, and they were RESOLVED by general assent.

577. To receive the following minutes of the meetings specified

a. Audit Committee - Wednesday 24 January 2024

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

b. Cabinet - Thursday 8 February 2024

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. General Purposes Committee - 29 January 2024

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

d. Governance Committee - 13 February 2024

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

e. Licensing Sub Committee - 10 January 2024

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

f. Overview and Scrutiny Committee - 25 January 2024

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.

g. Planning Committee - 9 January 2024

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.

h. Standards Committee - 7 February 2024

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

i. Whitstable Harbour Board - 19 January 2024

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

578. Programme of meetings for 2024/25

It was proposed by Councillor Baldock and seconded by Councillor Dixey to approve the adoption of the programme of meetings for 2024/25

It was AGREED by general assent to approve the adoption of the programme of meetings for 2024/25.

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

No urgent decisions had been taken by the Head of Paid Service under delegation

580. Any other urgent business to be dealt with on the night

There was no business under this item.

Meeting closed 22.43