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Date of publication: Wednesday, 15 October 2008

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## **CANTERBURY CITY COUNCIL**

### **Minutes of a meeting of the EXECUTIVE held on Monday, 13 October 2008 at 6.30 pm at The Guildhall, Westgate, Canterbury**

**Present:** Councillor Gilbey, Leader of the Council  
Councillor Austin  
Councillor Cragg  
Councillor Lee  
Councillor Patterson  
Councillor Pickersgill  
Councillor Samper  
Councillor Vickery-Jones

**Other Members present  
for all or part of the  
meeting** Councillor Calvert-Mindell  
Councillor Dixey  
Councillor Dye  
Councillor Flanagan  
Councillor Linfield  
Councillor Seath  
Councillor A Taylor

#### **E125 APOLOGY FOR ABSENCE**

An apology for absence was received from Councillor Law.

#### **E126 DECLARATION OF ANY INTERESTS**

In accordance with the Code of Conduct for Members, Councillor Cragg declared a personal and prejudicial interest in the extra item of exempt business regarding the redevelopment of the Beaney and the purchase of Kingsbridge Villas. The declaration is recorded in the relevant Minute.

#### **E127 PUBLIC PARTICIPATION**

The Leader reported that 6 members of the public and three Ward Members had given notice that they wished to speak on the item regarding the proposal for a beach volleyball facility at the existing tennis courts at the Victoria Recreation Ground, Canterbury. The Leader indicated that the speakers would be heard immediately before the consideration of the item.

#### **E128 ANNOUNCEMENTS**

- (a) Councillor Lee reported that everyone will be aware, and Members will have received a briefing note last week about the financial problems in Iceland.

Part of the Council's investments were affected by the situation. He advised that we are not alone in this situation and that, as at 9 October 2008, it was reported that 108 councils had deposits of around £800million with several Icelandic banks. The situation was being looked at very carefully by the Local Government Association and the first step it was taking was gauging the scale of the problem; the number of councils affected; the level of deposits held and the dates when they were due to mature, and which councils might be facing immediate difficulties.

He mentioned that the Government and the Local Government Association had held a meeting on 9 October and this was seen as a very productive meeting. The two parties had agreed to stay in close touch, meeting again this week. The Government and the LGA agreed at that meeting that there is no evidence of recklessness by local authorities. They also agreed the financial framework for local authorities, which required them to strike an appropriate balance between security of investments and returns, appears to have been adhered to.

Once the LGA had completed its analysis of the effects of the situation on individual local authorities, the Government and the LGA will look at issues arising on a case-by-case basis.

The LGA and the Government encouraged all councils to continue operating investments in accordance with the guidance.

The Leader mentioned that a meeting had been held at Maidstone last week with the Kent County Council which had given its full support and backing.

- (b) Councillor Samper reported that the new toilets at Tower Way were nearly finished and it was hoped they would become operational on 20 October.
- (c) Councillor Vickery-Jones reported that a regional competition day had been held on 28 September 2008 at Broomfield Community Park BMX track.

East Kent BMX club had hosted this event which attracted riders and their families from all over the country.

Although a family sport, over 200 serious riders (some nationally recognised) had taken part with plenty of opportunities during the day for other family members to have a go in various other categories.

The day started around 9am for practice and registration with the serious racing starting at 1pm going on until 7.30pm.

The East Kent BMX club is run by riders for riders and have their own nationally qualified coaches; they also boast a membership of well over 100 and growing. They meet every Wednesday at the track, subscription of £1 is required and lots of advice and help for budding riders is given.

Although there were in excess of 2500 people in attendance the car parking was well organised by the club with no complaints from residents received by the Parish Council.

Councillor Vickery-Jones said that this track is a tremendous facility for Canterbury District residents to enjoy with the England Talent Team visiting

frequently so high hopes that perhaps an interest from the 2012 Olympics Committee will be shown if only as a practice venue. It also demonstrates what can be achieved when people work together.

- (d) Councillor Patterson reported that the new contract for the Park and Ride buses had commenced last Friday and that the buses had been operating for about a week. He remarked that the new buses were immediately recognisable and that they looked splendid in their new livery. The buses are the greenest in the country and they complied fully with the Euro 5 standard. He mentioned there is a lower floor level and higher specification for the seating with more leg room inside for people with shopping.

Councillor Patterson said that the Executive looked forward to working with our new partner, Kent Top Travel, over the next five years and to the Park and Ride service reaching greater heights than it has already achieved.

- (e) The Leader advised that it was important that the Executive recognised the hard work of the Director of Corporate Services and other finance staff on a number of occasions in rescuing the Budget situation. The Executive endorsed the Leader's remarks and they were RESOLVED accordingly.
- (e) The Leader was pleased to report the success of the Eurofair event which was held in Dane John Gardens, Canterbury over the weekend of 26-28 September 2008 and was linked with an event in Palace Street, Canterbury. He mentioned that for the first time there had been a huge representation from Produced in Kent and he congratulated the Officers and others involved with these events.
- (f) The Leader congratulated Councillor Law on her election as a Member for the County Council for Herne Bay at the Election on 9 October 2008.

#### E129 MEMBERS' QUESTIONS

- (a) Councillor Seath indicated that the Leader will have heard of the decision of Thanet District Council last Thursday, at their Extraordinary Meeting, to give the go ahead to the China Gateway development project comprising 31 hectares of land at Manston for high technology manufacturing. This is the first phase with a probable second phase of an additional 40 hectares.

Councillor Seath asked the Leader that given the geographical proximity of this area to our District, has any consideration been given to the impact of the development, both beneficial and adverse, on the people of our District.

The Leader advised that over the years members of the political parties have been involved in doing something like this. He pointed out that his Ward was also affected and currently there is an Executive Member who sits on the Kent International Airport Consultative Committee who will be involved in whatever develops from the project. He explained that the development is of concern, but he did not think anyone could stop it. We would have to face up to it, but hopefully there would be sufficient controls to prevent the noise element that came from the large aeroplanes.

The Leader invited Councillor Patterson to comment on the matter.

Councillor Patterson advised that the China Gateway project is a large development to the side of Manston. He explained that we had not yet received full details and that it is a planning matter. He went on to say that there is another issue which related to the Master Plan for Kent International Airport which was also announced last week. We had not yet studied the document in great detail. The document is at the start of public consultation for a period of three months, but it is premature to comment on the document until we get the details in writing.

Councillor Patterson pointed out that like all major projects there are ups and downs. He said that economically there will be tremendous benefits for the south east part of the county, but we have to look at the impact on the environment.

The Leader indicated that he believed that the issue would be a matter for development control, and that it would not be brought to the Executive. He said that he would be interested to see why it is necessary to lengthen one of the longest runways in Europe.

Councillor Seath then asked the portfolio holder, or the Leader, at what stage has there been any thought or discussion about the additional traffic flows, not just in terms of road traffic, but also air traffic.

The Leader said that the traffic issues would form part of a package of issues and these would have to be considered through the development control process. He advised that it is very early days in the project, but when we get more information we would try to pass the information on to all Councillors.

The Leader added that at the moment, the information had been presented to only one meeting. It is a very large document and it will take some time to get copies. Councillor Patterson pointed out that there had been a delay in the printing of the document. It might be 14 days before the Council received the document. The announcement to the press about the Master Plan had been made in advance.

- (b) Councillor Dixey asked the Leader if he was right in understanding that, due to the financial pressures faced by this Council and falling revenues and rising costs, there is a ban on recruitment or virements.

The Leader advised that no staff are being replaced and virements are not being allowed at the moment.

Councillor Dixey then asked the Leader to explain why the Council is still spending money on advertising for applications for vacancies.

The Leader invited the Chief Executive to advise on the matter.

The Chief Executive advised that there is a presumption against filling vacancies unless there is good cause and that now needed to be agreed by the Management Team. He explained that does mean that 1 or 2 vacancies will be agreed and, therefore, there will be advertising for those. The vast majority are unlikely to be put out to advertisement during this financial year.

The Leader said that there are some positions that we cannot do without.

Councillor Dixey then referred to the general vacancies in this week's Kentish Gazette and the open ended advertisement which refers to Canterbury City Council as a great place to work and asks people to view the Council's website to see the current vacancies. Councillor Dixey remarked that this was costing the Council money and that it seemed to him to be an utter waste of money. Councillor Dixey then asked the Leader to explain why money is being wasted.

The Leader asked the Chief Executive to advise on the issue.

The Chief Executive advised that there would be some vacancies advertised on the council's website because of the route he has described earlier. He advised that the position is not that the Council is in such dire financial straits that every single vacancy has to be prevented from being filled because, as the Leader had indicated, there are some posts that have to be filled.

- (c) Councillor Calvert-Mindell pointed out that she wished to ask a question which related to the extra "pink" paper for this meeting and that she had received advice from the Legal Officer that as the information in the paper is sensitive it would not be appropriate to ask the question at this point in the meeting.

Councillor Calvert-Mindell asked the Leader if she could ask the question when the "pink" paper is dealt with later in the meeting after the exclusion of the press and public.

The Leader indicated his agreement to this situation.

Councillor Calvert-Mindell then said that she wished to ask another question about the "pink" paper. She pointed out that this is the second time recently when Members had received a late "pink paper and that this made it really difficult to study the paper, especially if Members were out all day and the post was not delivered until lunchtime.

She explained that she only had about 1 hour to read the paper before the meeting and asked the Leader if this situation could be avoided in future.

The Leader advised that the circumstances that prevail at the moment for some of the issues involving the Council are of such importance and at such level that we are going to get more of these sorts of things. He explained that if we have Council meetings 7-8 weeks apart and Executive meetings every 3-4 weeks, there are sometimes urgent decisions that need to be taken in the interim and we have to refer them to the nearest meeting. The Leader advised that this is why this is happening and that it is not something which has happened in the past because we did not do this.

As regards the extra "pink" paper, the Leader pointed out that this is a paper for the Executive, not the Council, which is being asked to decide the matter.

There were no other questions for the meeting.

## E130 MINUTES

The Leader signed as a true record the minutes of the meeting of the Executive held on 18 September 2008.

**E131 FORTHCOMING DECISION LIST**

The Executive Members noted the Forthcoming Decision List which had been published for the period 1 October 2008 to 31 January 2009.

**E132 SOUTH EAST PLAN - PROPOSED CHANGES BY THE GOVERNMENT OFFICE FOR THE SOUTH EAST**

The Executive Members considered the report of the Head of Regeneration and Economic Development which set out the latest stage of the process for the adoption of the South East Plan. The report included details of the Council's previous comments on a range of issues which affected the District, the suggested further responses to the proposed changes which had been published by the Government Office for the South East and the options available.

The Leader thanked the Overview and Scrutiny Committee for their comments on the proposed changes.

The Executive Members commented on various issues arising.

During the discussion on the report, the Executive Members indicated that they wished to see the Government take account of the current economic situation particularly in view of the position that the housing targets are not being met. They felt that this situation was likely to continue for several years.

The Leader reported that at last week's meeting of the District Leaders with the County Council it was proposed that a joint response would come from all the councils in Kent and that our individual response would be sent to the two leaders tasked with preparing the document.

RESOLVED – That, subject to the inclusion of an additional statement that the South East Plan should take account of the current economic situation particularly in view of the position that the housing targets are not being met, the Council respond to the consultation by the Government Office for the South East on the proposed changes to the draft South East Plan on the basis of the issues set out in the report to this meeting.

**E133 BUDGET PREPARATION AND TIMETABLING**

The portfolio holder presented the report of the Director of Corporate Services which set out proposals for the timetable for making the budget proposals for 2009/10 onwards to the Council.

RESOLVED –

- (a) That the budget timetable be as set out in the report to this meeting.
- (b) That the Director of Corporate Services, after consultation with the Leader, Deputy Leader and the Finance portfolio holder, publicise for consultation a summary overview of the budget position.

**E134 CONSIDERATION OF BEACH VOLLEYBALL AREA AND EXISTING TENNIS COURTS VICTORIA RECREATION GROUND, CANTERBURY**

Prior to the consideration of the report, with the approval of the Leader the following persons spoke on this item -

- 1 Brian Buggins
- 2 Mrs Raines
- 3 Mr Hammick
- 4 Dave De Boike
- 5 Dominic Meehan, Kent Youth Service Worker
- 6 Jon Watson, Assistant Head Teacher
- 7 Councillor Flanagan (Ward Member)
- 8 Councillor Linfield (Ward Member)
- 9 Councillor Dye (Ward Member)

The Executive Members then considered the joint report of the Head of Environment and Street Scene and the Head of Legal and Democratic Services which included a summary of the issues raised by the objectors and supporters following the advertising of the Council's intention to dispose of an area of public open space at Victoria Recreation Ground for the proposed beach volleyball facility. The report discussed various issues arising and referred to the options of either proceeding with the granting of the lease to Canterbury High School for the facility, or amending or cancelling the project.

The proposed facility would be available to both the wider and the local community, being administered by Canterbury High School and would offer a different sporting experience presently unavailable in this part of the country. Its impact on the recreation ground and other activities on site were considered to be minimal.

The Head of Legal and Democratic Services also advised on various legal issues arising from the points raised by those who addressed the Executive.

In making its decision on the matter, the Executive Members were satisfied that the proposal to build a Beach Volleyball area would seem to have considerable merit on the basis that it would provide a much valued first class facility, fulfilling a specific requirement at both local and regional level. The facility would occupy an area of the Victoria Recreation Ground, which was previously used for grass tennis courts. These tennis courts had fallen into disrepair and cannot be used on account of damage from vandalism. The management of the existing tennis courts incorporated into this proposal made good managerial sense. Though technically a disposal of public open space for a period, it involved a specific and managed recreational use of this portion of land by a third party. Similar objections had also been considered by the County Planning Authority at the planning application stage and had been dealt with by way of conditions on the approval where appropriate.

Where appropriate similar provisions would be included within the lease and the Executive Members were satisfied that such lease terms would adequately address the concerns raised.

Having considered the report and the benefits the proposal would bring Members were satisfied that it would promote or improve the social and wellbeing of the Council's area.

RESOLVED –

- (a) That, having considered the objections received for the disposal of part of the Victoria Recreation Ground by the granting of a lease for the provision of

Beach Volley Ball Courts and existing Tennis Courts, the proposal be approved on terms to the satisfaction of the Head of Property Services.

- (b) That in carrying out (a) above the Council is satisfied that it is for the promotion or improvement of the social wellbeing of their area.

(During the discussion on this item, Councillor Patterson declared a personal interest because some years ago he played volleyball).

#### **E135 AUCTION OF PROPERTY AT STURRY ROAD, CANTERBURY**

The portfolio holder presented the report of the Head of Property Services which set out the background to the proposed sale by the Council of a commercial investment in a property at Sturry Road, Canterbury. The report explained the disposal procedure to ensure the Council obtained the best consideration in accordance with the requirements of Section 123 of the Local Government Act 1972 and the options available. The Council's property consultants had advised that the best way to secure the highest capital receipt for the property is to market it at an auction.

When making its decision on this item the Executive Members also took into account the confidential information set out in the exempt Annex.

RESOLVED –

- (a) That 116-118 Sturry Road, Canterbury be declared surplus to requirements.
- (b) That the Head of Property Services be authorised to market the property on terms set out in the report to this meeting.
- (c) That the Head of Property Services be authorised to settle any incidental matters to bring the matter to completion and, in consultation with the Director of Corporate Services and the Chief Executive, to agree such enhanced financial terms where possible.

#### **E136 EAST CLIFF, HERNE BAY**

The portfolio holder presented the report of the Head of Property Services which advised on a proposal to market a site, in the Council's ownership, for development with 40 high quality beach huts immediately to the east of the old "Lookout Station" at East Cliff, Herne Bay. The report advised on the options available. The proposal would result in benefits to Herne Bay with minimal risks and it would add to the efforts being made by the Council to regenerate Herne Bay.

The proposal anticipated the granting of a lease agreement by the Council and this amounted to a disposal of land designated as public open space. The proposal disposal of the public open space would have to be advertised and any objections considered by the Executive before it decided whether to proceed or not with the lease of the land.

RESOLVED -

- (a) That the proposed disposal of public open space be advertised and any objections considered at a future meeting of the Executive.

- (b) That following the advertisement and consideration of any objections, in the event that the objections could be overcome, the Head of Property Services report back to the Executive upon the proposed marketing for the site.

**E137 REFERENCE FROM THE SCRUTINY MANAGEMENT AND REVIEW SUB-COMMITTEE - DEBT COUNSELLING SCRUTINY REVIEW**

The Executive Members considered the report of the Head of Policy and Improvement which set out the final report of the Scrutiny Review Panel for Debt Counselling. The Review made a series of recommendations to improve the council's arrangements for ensuring people were able to assess debt advice and counselling services. The report to the meeting set out the options available and the recommendations of the Management Team on the way forward.

With the approval of the Leader, Councillor A Taylor spoke to this item as a member of the Scrutiny Review Panel and she outlined the approach by the Panel to the review of debt counselling

The Executive Members also considered the request of the Scrutiny Management and Review Sub-Committee that the Executive undertake urgently a review of data sharing arrangements between departments of the Council. The Head of Policy and Improvement advised that the suggested actions in response to the Review covered a review of the data sharing arrangements.

RESOLVED - That the recommendations of the Management Team on the suggested action in response to the Scrutiny Review on Debt Counselling be approved.

**E138 REFERENCES FROM THE CANTERBURY AREA MEMBER PANEL**

**(a) Sustainable Communities Act**

The Canterbury Area Member Panel had supported the involvement of the Council in exploring the opportunities and possible benefits arising for Canterbury and had recommended to the **Executive** that the Council should sign up to see what options are available when the Sustainable Communities Act comes into force.

The Chief Executive drew attention to an amended Notice of Motion which had been agreed by Full Council at its meeting on 2 October 2008. There would be a report back to a future meeting of the Executive regarding the Act.

**(b) Issues affecting Ward Members**

In response to the concerns expressed by the Canterbury Area Member Panel about the need to involve Members in projects affecting their Ward, the Chief Executive advised that the Protocol for the attendance of Members did not apply to the project sponsored by the City Centre Partnership for the refurbishment of a city centre subway. On a general point, he also advised that Ward Members could be involved in Ward projects, but there was no obligation to involve them. He explained that once specific projects had been put forward, the involvement of Members could be considered further.

**(c) Opening hours of public conveniences**

The Canterbury Area Member Panel had recommended to the **Executive** that a further report be made which should examine the scope for improvements to the current opening hours for public conveniences in Canterbury including the possibility of using temporary public conveniences where appropriate.

The portfolio holder advised that she did not see a case for extending the current opening hours and that after the public conveniences had been closed, endeavours should be made to encourage the use of other facilities nearby.

The Head of Environment and Street Scene advised that he had looked at the possibility of providing temporary public conveniences, but in view of various practical difficulties arising, it was not possible to pursue this further.

RESOLVED - That no further report be made on these issues.

**E139 REFERENCE FROM THE RURAL AREA (NORTH AND SOUTH) MEMBER PANELS**

The Rural Area Member Panels had recommended to the **Executive** that a representative of the Kent Association of Parish Councils be invited to join the East Kent Local Strategic Partnership in order to ensure that rural issues were fully taken into account.

The Executive Members were advised that Rodney Williamson, County Secretary of the Kent Association of Parish Councils, is a member of the East Kent LSP Partnership Board.

In addition, 5 Parish Councillors served on the EKLSP itself.

This position met the concern of the Rural Area Member Panels.

**E140 DATE OF NEXT MEETING**

Thursday 6 November 2008 - 6.30pm The Guildhall

**E141 EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED – That under Section 100A(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.

**E142 COMMERCIAL PREMISES AT 9 ST GEORGE'S STREET, CANTERBURY (EXEMPT INFORMATION)**

The portfolio holder presented the report of the Head of Property Services which advised on the terms which had been proposed to the head tenant for the restructuring of the lease of the property and the financial benefits of this action for the Council. The report advised on the options available.

RESOLVED –

- (a) That the principle of the disposal of this property be approved and the Head of Property Services, in consultation with the Chief Executive, the Leader and

the portfolio holder be authorised to approve the detailed terms for the surrender and grant of a new ground lease to Barclays Bank Plc.

- (b) That paragraphs 7 and 11 of the Procedures for Land Disposal be set aside on the grounds that the restructured lease is with the existing tenant who has a long tenancy with the council and the council is not in a position to negotiate with any other party on the matter. The existing use is also the most profitable use to which this land could be put.
- (c) That the Head of Property Services be authorised to deal with any other matters necessary to bring the matter to a conclusion.

**E143 COMMERCIAL PREMISES AT 10 ST GEORGE'S STREET, CANTERBURY (EXEMPT INFORMATION)**

The portfolio holder presented the report of the Head of Property Services which advised on the terms which had been provisionally agreed with the head tenant for the restructuring of the lease of the property and the financial benefits of this action for the Council. The report advised on the options available.

RESOLVED –

- (a) That the terms reported for the surrender and grant of a new ground lease to The President and Scholars of the College of St John's Oxford be approved.
- (b) That paragraphs 7 and 11 of the Procedures for Land Disposal be set aside on the grounds that the restructured lease is with the existing tenant who has a long tenancy with the council and the council is not in a position to negotiate with any other party on the matter. The existing use is also the most profitable use to which this land could be put.
- (c) That the Head of Property Services be authorised to deal with any other matters necessary to bring the matter to a conclusion.
- (d) That if variations are required to the terms, now agreed, which need formal approval, the Head of Property Services, in consultation with the Chief Executive, the Leader of the Council and the portfolio holder, be authorised to make a decision on the matter.

**E144 CONFIDENTIAL ANNEX FOR AUCTION OF LAND AT STURRY ROAD, CANTERBURY (EXEMPT INFORMATION)**

The information set out in this exempt report was taken into account by the Executive when making its decision at Minute No.135 above.

**E145 EXTRA ITEM OF BUSINESS - REDEVELOPMENT OF THE BEANEY AND PURCHASE OF KINGSBRIDGE VILLAS (EXEMPT INFORMATION)**

Prior to the consideration of this item of business, Councillor Cragg, having declared a personal and prejudicial interest in the item at the commencement of the meeting, left the meeting during the consideration of the item.

The Leader was satisfied that this item should be considered at the meeting as a matter of urgency to enable the purchase contract / legal documentation to be exchanged by mid October to prove a legal and binding commitment to this

transaction in order to meet the Heritage Lottery Fund grant funding eligibility requirements.

The portfolio holder presented the report of the Head of Property Services which advised upon a proposal for the Council to grant loan finance to the current owners of the building should they require this for the acquisition of alternative premises.

The Director of Corporate Services advised that the report had been made to the Executive as the proposal was outside the Budget and Policy Framework Procedure Rules. He pointed out that the cost of the borrowing would be met by repayments of the loan and there would be no effect on the Council's Revenue Budget.

Because of the imminent exchange of contracts for the purchase of the building in order to satisfy the requirements of the HLF grant conditions, a decision was required as a matter of urgency. It was not practical to convene a quorate meeting of the Full Council and, in the absence of the Chairman of the Overview and Scrutiny Committee, the Lord Mayor had given her consent to the decision being taken by the Executive as a matter of urgency. The Head of Legal and Democratic Services advised that in the circumstances the Executive could agree this decision pursuant to the provisions of paragraph 6 of the Budget and Policy Framework Procedure Rules subject to a report to Council.

With the approval of the Leader, Councillor Calvert-Mindell spoke on this item and she asked the Leader to explain the urgency of the decision required on the matter.

At the invitation of the Leader, the Chief Executive advised that the conditions of the Heritage Lottery Fund grant required the Council to obtain ownership of Kingsbridge Villas by the time when the grant for the Beaney redevelopment is made in December 2008. If the Council failed to deliver the conditions of the grant, it would not receive the HLF grant.

Having considered the report and the issues involved, the Executive then –

**RESOLVED** – That, as a matter of urgency, approval be given to the making of provision for loan finance in the capital budget up to a limit of £300,000 upon terms set out in the body of the report.

There being no other business the meeting closed at 8.25 pm