

CANTERBURY CITY COUNCIL

OVERVIEW AND SCRUTINY COMMITTEE

Minutes of a meeting held on Monday, 20th October, 2008
at 7.00 pm in The Guildhall, Westgate, Canterbury

- Present:** Councillor A Perkins (Chairman)
Councillor Bissett - substitute for Davis
Councillor Calvert-Mindell
Councillor Carnell
Councillor Doyle
Councillor Dye
Councillor Ellis
Councillor Fisher
Councillor M Flaherty
Councillor Linfield - substitute for MacCaul
Councillor Matthews
Councillor Reuby
Councillor Seath
Councillor Sharp
Councillor Staley
Councillor A Taylor
Councillor Thomas
Councillor Todd
Councillor Windsor
- In attendance** Councillor Flanagan
Councillor Gilbey - Leader – for Minute No 432
Councillor Samper - Portfolio Holder
Councillor Vickers
- Officers:** Mark Bursnell - Head of Policy and Improvement
Colin Carmichael - Chief Executive – for Minute No 432
Velia Coffey - Director of Community Services
Mark Ellender - Head of Legal; and Democratic Services
Lyn McDaid - Senior Democratic Services Officer
Tony Parker - Head of Environment and Street Scene

427 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Davis and MacCaul.

428 DISCLOSURES BY MEMBERS AND OFFICERS

Councillor Linfield declared her personal interest as a member of the Open Spaces Society.

There were no other disclosures of interest, lobbying or whipping.

429 **COUNCILLOR TODD - YOUNG PEOPLES CHAMPION**

The Committee congratulated Councillor Todd in his recent success in the I'm a Councillor Get Me Out of Here competition which had been held as part of Local Democracy week.

430 **PUBLIC PARTICIPATION**

The Chairman advised that Mr B Buggins and Mr Hammick, local residents, had given notice that they wished to speak on the call-in item on the beach volleyball area and existing tennis courts on Victoria Recreation Ground, Canterbury.

431 **MINUTES OF THE MEETING HELD ON 24 SEPTEMBER 2008**

RESOLVED – That the minutes of the meeting held on 24 September 2008 were agreed as a correct record.

There were no matters arising.

432 **ICELANDIC BANKING CRISIS AND COUNCIL FUNDS - EXTRA ITEM OF BUSINESS**

The Chairman advised that he had requested the Chief Executive to attend this meeting to advise upon the above and any possible ramifications for the City Council. He had invited the leader to this meeting for this item.

The Chief Executive apologised on behalf of the Director of Corporate Services that he had been unable to attend tonight's meeting. He reminded the Committee that briefing notes on the situation had already been issued to them. The City Council had a total of £6 million invested in one Icelandic bank and one UK subsidiary of an Icelandic Bank from a total of £45million invested. More than 100 Councils had been similarly affected and in total over £900 million invested by councils and £10 million invested by the Audit Commission, was now at risk as a result of the collapse of the Icelandic banks. The £6million had been invested in January, which was before Treasury advice became available in April 2008 relating to a potential downgrading in the ratings for Icelandic banks. The Council was at that point contractually bound for 364 days. The investments had been made in accordance with the Councils rules and procedures.

The Committee were informed that it was hoped that the Council would be able to recover most of the £6million. It would be beneficial if the Government would give councils the same guarantees it had given to private investors but at the present time it was not prepared to. The Local Government Association was lobbying the Government on this issue.

The Chief Executive advised that the loss on interest payments on the £6million was estimated to be £250000 this year and next. To assist in counteracting this loss, Management Team had agreed that vacant posts would not be filled without their express approval. If the £6million were not recovered, the Council would need to draw upon its reserves. If the Government allowed it, different accounting methods could be used.

The Committee were informed that an update on Treasury Management would be reported to the Executive on 20 November 2008 to ensure that the assumptions were appropriate in today's climate. It was thought that the impact on the capital

programme would be minimal. However the capital programme was to be reviewed because of the impact of property disposals, the likely costs of schemes and their anticipated timetable. There would be a briefing on this before the next meeting of the Committee.

The Chairman reminded the Committee that they always considered the Treasury Management report and how the Council used its balances and the investments it proposed. Therefore he felt that officer's actions could not be criticised.

The Committee then discussed this issue. They made points including the following:

- i) the credit reference agencies the Council used should be reassessed
- ii) it should be assumed that the £6million would not be repaid in the short-term
- iii) could the loss of interest be apportioned over a period of years – the council was being prudent and charging the General Fund initially.
- iv) Should the council only invest in British banks in future? - no it should invest in organisations that paid a high rate of interest and were backed with security.

The Chief Executive was thanked for attending the meeting and left.

433 **CALL-IN OF DECISIONS FROM THE EXECUTIVE MEETING HELD ON 13 OCTOBER 2008**

a) Beach volleyball area and existing tennis courts, Victoria Recreation Ground, Canterbury – Minute No E134

Councillor Dye reported that he had completed a call-in form for the above as a member of the Committee. He felt the decision should be called-in, as there had been a failure to consider a relevant matter or having regard to an irrelevant matter.

Councillor Dye expanded his reasons for calling the decision. These reasons included:

- i) the consultation process had not been undertaken in the correct manner
- ii) volleyball facilities were already available in Margate
- iii) planning permission had been granted to the University of Kent for the same facility
- iv) the details contained in the covenant
- v) the international standard for volleyball was that changing facilities had to be provided

A member queried if this decision could be called-in as it had been subject to a call-in last December. The Head of Legal and Democratic Services confirmed it could, as this was a new decision of the Executive.

The Chairman asked the Head of Environment and Street Scene if he had a copy of the plans that had been submitted with the planning application for this facility. He also asked for clarification if outline or full planning permission had been granted. The Head of Environment and Street Scene confirmed he had a copy of the plan and full planning permission had been granted.

One of the local ward councillors then advised upon the new points he felt made re-consideration of the decision necessary. These included the fact that the majority of

representations received were against the disposal of land designated as open space, the consent of the Commissioners had not been obtained as required under the terms of the Covenant and the majority of residents wanted to retain the open space in its current format. He felt the public should be listened to in accordance with what was stated on the Councils website.

Councillor Samper, the relevant Portfolio Holder, Tony Parker, Head of Environment and Street Scene and Mark Ellender, Head of Legal and Democratic Services, attended the meeting to explain the decision of the Executive. They made points relating to a number of key issues including the following:

- i) the responses received to the planning consultation had been very carefully considered, an analysis of the concerns made which had been passed to the Planning Authority for consideration. The concerns had been met by conditions included in the planning permission
- ii) the Council would retain the freehold of the land and grant a 25 year lease which would contain restraints in it
- iii) the Portfolio holder was not aware of the facility at Margate but this showed there was a demand for the facility
- iv) the University of Kent had not implemented their planning permission at this stage
- v) a tremendous number of young people would benefit from this facility which would be to the best standard the school could provide
- vi) the existing grass tennis courts were not used
- vii) the three main football pitches and the cricket pitches would remain
- viii) some representations had had two signatures on but so had some letters of support
- ix) the covenant referred to a building and this proposal was for a games court and these were already on site.

Another local ward councillor then raised new issues related to the number of letters allegedly received in support, which related to the need for a facility in Canterbury rather than on this specific site. She also referred to the planned usage of the facility from people outside the area, a Canterbury Campus leaflet and the Telegraph referring to the facility as a National Beach volleyball centre, the county councils ability to alter the conditions contained in the planning permission, the legal advice she had received, the application for Village Green status which had been made and the Wednesbury rules which should apply.

The Portfolio Holder advised that the Canterbury Campus leaflet was incorrect as the National Beach Volleyball Centre would be in Bath. The Head of Legal and Democratic Services advised that he was unaware of any application for Village Green status and did not think that this status would affect the decision. The High School would need to obtain specific permission from the Commissioners for the planned store if they felt it was essential to the planned facility. This structure would be used as a store and not for changing facilities.

Members of the Committee then discussed the call-in. The discussion included the following new main points:

- i) a member had visited the site yesterday. He considered that this facility would be on a relatively small area, which was not being used when he visited. The hard tennis courts would remain and the lease would control the use

- ii) the legality of the decision needed to be considered rather than the facility itself
- iii) the planning report referred to National and International standards
- iv) the beach at Margate was used for a Tournament – there was not a facility there
- v) this facility would encourage a new sporting activity for the local community
- vi) Point 9 in the planning application referred to National and International events being held as well as community use being available
- vii) The facility might be used for training for the Olympics
- viii) This issue had arisen because the Council did not want to manage the tennis courts
- ix) The proposal was in breach of the Councils Open Space policy
- x) People had a right to use this Public Open Space when they wished.

RESOLVED – That the decision of the Executive at Minute No E134 relating to a beach volleyball area at Victoria Recreation Ground, Canterbury be accepted and not referred back for re-consideration.

(Mr Buggins and Mr Hammick, local residents, spoke to this item)

(During consideration of this item, the Director of Community Services advised that she was a trustee of the Canterbury Campus and left the meeting).

b) There were no other call-ins.

434 **REVIEW OF PROCUREMENT AND PARTNERING STRATEGY**

RESOLVED – That the **Executive** be informed that this Committee supports the adoption of the revised Procurement and Partnering Strategy, as now submitted.

435 **MONITORING SHEET**

The Head of Policy and Improvement advised that the Beach Hut Scrutiny Review panel would be meeting on the 23 October 2008 to consider the legal opinion that had been received. The Rural Transport Scrutiny Review panel had met earlier today and had agreed that the issue of rural transport should be raised at the Rural Forum on 17 November 2008.

RESOLVED – That the monitoring sheet for scrutiny reviews, as now amended, be noted.

436 **DATE AND TIME OF NEXT MEETING**

It was noted that the next meeting would be held on Wednesday 12 November 2008 at 7pm at the Guildhall. The budget proposals, Canterbury Community Football Hub, the relocation of Sports facilities in Herne Bay, the review of the Housing Assistance Scheme, joint working housing services and Management of retail premises on housing estates would be discussed.

There would be a briefing session for all members of the council at 5.30pm on the 12 November 2008 on the joint working housing project and the budget.

437 **ITEMS FOR FUTURE MEETINGS**

The items listed for future meetings was noted.

438 **EXCLUSION OF THE PRESS AND PUBLIC**

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

439 **RECULVER CARAVAN PARK - UPDATE ON LEGAL AGREEMENT**

The Heads of Legal and Democratic Services and of Environment and Street Scene submitted a report on the above.

A member raised issues relating to residents concerns, which had been expressed to her.

RESOLVED – That the report be noted.

There being no other business the meeting closed at 8.36 pm