

CANTERBURY CITY COUNCIL

Minutes of a meeting of the CANTERBURY CITY COUNCIL duly convened and held on Thursday, 26th November, 2009 at 7.00 pm at The Guildhall, Westgate, Canterbury

Present: Councillor Cragg (Lord Mayor)

Councillor Anderson, Councillor Austin, Councillor Berridge, Councillor Bissett, Councillor Bright, Councillor Calvert-Mindell, Councillor Carnell, Councillor Davis, Councillor Dixey, Councillor Doyle, Councillor Dye, Councillor Eden-Green, Councillor Ellis, Councillor Fisher, Councillor M Flaherty, Councillor R Flaherty, Councillor Flanagan, Councillor Gilbey, Councillor Harrison, Councillor Mrs Law, Councillor Lee, Councillor Linfield, Councillor MacCaul, Councillor Matthews, Councillor McCabe, Councillor McMahan, Councillor Parry, Councillor Parsons, Councillor Patterson, Councillor A Perkins, Councillor J Perkins, Councillor Pickersgill, Councillor Reuby, Councillor Samper, Councillor Sharp, Councillor Sonnex, Councillor Staley, Councillor Steed, Councillor A Taylor, Councillor H Taylor, Councillor Thomas, Councillor Todd, Councillor Vickery-Jones, Councillor Vye, Councillor Windsor and Councillor Wratten

440 **PRAYERS**

The meeting was opened with prayers by the Lord Mayor's Chaplain, Reverend Canon Norman Woods.

441 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Hando, Seath and Vickers and for lateness from Councillor McMahan.

442 **DECLARATION OF MEMBERS' INTERESTS**

Councillors Gilbey and A Perkins each made a statement on behalf of the Members of their respective groups that any interests, which had been declared by their Members, as set out in previous meetings in so far as they related to the business for this meeting, were deemed to be declared again for this meeting.

Councillor A Perkins declared a personal interest in Minute No. E141 (Loans to Kent County Cricket Club) of the Executive meeting held on 19 November 2009 because of his previous membership of the cricket club.

Councillor Dixey declared a personal interest in Minute No. E141 because a relative is a member of the professional playing staff at the club.

The Lord Mayor declared a personal interest in Minute No. E141 because he is a member of the cricket club.

Councillor Linfield declared a personal interest in the Notice of Motion regarding the withdrawal of funding for the Age Concern Centres and the Northgate Ward Over 60s because she worked for the local branch of Help The Aged.

The Lord Mayor declared a personal interest in the Notice of Motion in so far as it related to the funding for the Age Concern Centres, because the organisation is one of the Lady Mayoress's charities this year.

The Lord Mayor also declared a prejudicial interest in Minute No. E142 of the Executive meeting held on 19 November 2009 regarding Canterbury Beaney Art Museum and Library and indicated that the item would be dealt with at the end of the meeting, when he would vacate the Chair and leave the building for the consideration of that item. The Lord Mayor advised that the Vice-Chairman, Councillor Davis, would take the Chair for that item.

Councillor Parry declared a personal interest in Minute No. E104 (Relocation of the Pier Sports Centre) of the Executive meeting held on 15 October 2009 because her husband is Chairman of Herne Bay Pier Trust.

Councillor M Flaherty also declared a personal interest in Minute No. E104 because she is a Trustee of Herne Bay Pier Trust and Councillor Mrs Law also declared a personal interest because she is a member of the Trust.

Councillor M Flaherty declared a personal interest in Minute No. E143 of the Executive meeting on 19 November 2009 in so far as it related to the proposed parking charges for 2010, because she is a holder of a residents' parking permit.

These interests are recorded in the relevant Minute below.

443 **PETITIONS**

There were no petitions presented at the meeting.

444 **ANNOUNCEMENTS**

- (a) The Lord Mayor invited Members to join him at Tower House after the meeting for a mince pie and coffee.
- (b) The Lord Mayor expressed his sadness about the recent flooding in Cumbria which had affected Workington, his home town, and reported that he had written to the Mayor of the Allerdale Borough Council, conveying the council's concerns and best wishes.
- (c) The Leader extended the council's gratitude to all those who worked so hard to ensure the great success of the Canterbury Festival this year.
- (d) The Leader said that he thought everyone by now was aware of the brilliant new blue marquee on the Kingsmead site, which would be the venue for the pantomime this year and he hoped next year. He also said that he was sure the council would join him in congratulating everyone concerned in bringing this facility to Canterbury and ensuring that our highly successful pantomime was able to take place. The Leader also mentioned that the marquee was exactly the right colour!

- (e) The Leader reported that the judges had said “the panel were thrilled by the vision presented here; full of optimism but very caring and considerate. The success of the project was assured through understanding of what made this place special.”

The Leader pointed out that this was what the Landscape Institute Awards 2009 panel said when Reculver won the first prize in Local Landscape Planning, beating the Olympic Delivering Authority.

445 EXECUTIVE MINUTES/ REPORTS TO FULL COUNCIL

The Chief Executive advised that some of the reports and recommendations from the Executive related to confidential matters and he advised that if Members wished to debate the confidential issues, the press and public should be excluded from the meeting for that debate. The Chief Executive asked members to indicate at this stage whether they wished to raise any confidential issues about the items in question.

Councillor A Perkins pointed that he wished to comment on issues relating to the proposed loan to Kent County Cricket Club, and said that he believed these were already in the public domain, but if any confidential issues came up, the item should be dealt with after the exclusion of the press and public.

(A) **Open Space Strategy for the Canterbury District 2009 - 2014**

It was proposed by Councillor Gilbey, seconded by Councillor Mrs Law, and

RESOLVED – That the council approve the recommendation in Minute No. E101 of the Executive meeting held on 15 October 2009 that the revised Open Space Strategy be adopted.

The Leader informed the council that the latest population figures would be included in the Strategy.

(B) **Reculver Masterplan**

It was proposed by Councillor Gilbey, seconded by Councillor Mrs Law, and

RESOLVED – That the council approve the recommendation in Minute No. E103 of the Executive meeting held on 15 October 2009 that the Reculver Masterplan be adopted.

(C) **Relocation of the Pier Sports Centre**

It was proposed by Councillor Gilbey, seconded by Councillor Mrs Law, and

RESOLVED – That the council approve the recommendations of the Executive regarding the issues indicated below -

Recommendations to **Full Council** in the resolution of the Executive in Minute No. E104 of the Executive meeting held on 15 October 2009 -

- (c) the capital allocations referred to in this report, with any payment being subject to the satisfactory resolution of (a) and (b) above;

- (d) authorisation for the development of the current outline scheme for Herons extension up to planning application and submission stage;
- (e) the tendering the construction of the extension to Herons on the open market;
- (f) liability for a proportion of the planning fees and design costs as set out in the report if the project does not proceed.

Recommendations to **Full Council** in Minute E104

- (a) to commit £2m capital to the development of the new sports village at Herne Bay High School; subject to the resolution of negotiations with Kent County Council and Herne Bay High School to the satisfaction of the Chief Executive in relation to community access, governance, programming and revenue implications to the Council.
- (b) to allocate a further £450,000 to the scheme should the Sport England Stage 2 application be unsuccessful.
- (c) to confirm a capital allocation of £500,000 for the Herons Leisure Centre extension and prudential borrowing of up to £800,000.
- (d) to agree a Pier Pavilion demolition capital allocation of £425,000, at this stage.
- (e) that it is considered that what is proposed is likely to achieve the objective for the promotion or the improvement of the social well-being of its area.

(At the commencement of the meeting -

Councillor Parry declared a personal interest in this item because her husband is Chairman of Herne Bay Pier Trust;

Councillor M Flaherty had declared a personal interest in this item because she is a Trustee of Herne Bay Pier Trust;

Councillor Mrs Law had declared a personal interest in the item because she is a member of the Trust).

(D) **Revised Benefits Fraud Prosecution and Sanction Policy and Guidance**

It was proposed by Councillor Gilbey, seconded by Councillor Mrs Law, and

RESOLVED – That the council approve the recommendation in Minute No. E106 of the Executive meeting held on 15 October 2009 that the policy be endorsed and adopted with immediate effect.

(E) **Procurement Strategy Annual Review**

It was proposed by Councillor Gilbey, seconded by Councillor Mrs Law, and

RESOLVED – That the council approve the following recommendations in Minute No. E122 of the Executive meeting held on 5 November 2009 –

- (a) That the results of past year's work as detailed at Appendix 1 of the report be received.
- (b) That the revised Procurement and Partnering Strategy as set out at Appendix 2 be adopted.
- (c) That the deferral of the next review until March/April 2011 be approved.

(F) Options Appraisal Ellen Court, Littlebourne

It was proposed by Councillor Gilbey, seconded by Councillor Mrs Law, and

RESOLVED – That the council approve the following recommendations in Minute No. E124 of the Executive meeting held on 5 November 2009 –

- (a) That Option C3 - to demolish Ellen Court and replace with a scheme of 8 two-bedroom flats, 7 one-bedroom bungalows and a community room, be approved.
- (b) That the estimated additional cost of £60,000 be approved.

(G) Options Appraisal Franklyn House, Sturry

It was proposed by Councillor Gilbey, seconded by Councillor Mrs Law, and

RESOLVED – That the council approve the recommendation in Minute No. E125 of the Executive meeting held on 5 November 2009 that Option C - to demolish Franklyn House and replace it with a scheme of 26 one-bedroom and 4 two-bedroom flats be approved.

(H) Loans to the Kent County Cricket Club within the prudential borrowing framework to support ground redevelopment

(At the commencement of the meeting –

Councillor A Perkins had declared a personal interest in this item because of his previous membership of the cricket club;

Councillor Dixey had declared a personal interest in the item because a relative is a member of the professional playing staff at the club;

the Lord Mayor had declared a personal interest in the item because he is a member of the cricket club).

- (1) It was proposed by Councillor Gilbey and seconded by Councillor Mrs Law that the Council approve the following recommendations in Minute No. E141 of the Executive meeting held on 19 November 2009
 - (i) That the council enters into a loan agreement with Kent County Cricket Club to provide a loan of £4 million within one month of completion of the loan agreement based on the terms set out in this report to enable the club to develop the St Lawrence ground.
 - (ii) That the Director of Corporate Services in consultation with the Head of Legal and Democratic Services and the Head of Culture and

Communications be authorised to deal with any matters necessary to bring the agreement to completion.

- (iii) That the council are satisfied that the proposed loan will promote or improve the economic and social well being of the council's area.

WHEREUPON –

- (2) Following a debate, it was proposed by Councillor Calvert-Mindell and seconded by Councillor Berridge that the recommendations (ii) and (iii) in Minute No. E141 above should be dealt with in their own right, and then a further report should be brought back to Full Council.
- (3) Following a further debate, the foregoing proposal at (2) above was put to a vote and it was LOST.
- (4) A Member then raised an issue about the use of council's well-being powers for the proposed loans to the cricket club and the Chief Executive advised on the matter.
- (5) Following a further debate, the proposal at (1) above was then put and it was RESOLVED accordingly.

(During the discussion on this item, Councillor Harrison declared a personal interest because a relative works at the cricket club).

(l) **General Fund Revenue Budget and Charges Proposals for Car Park and Other Activities**

- (1) It was proposed by Councillor Gilbey and seconded by Councillor Mrs Law that the Council approve the following recommendation in Minute No. E143 (g) of the Executive meeting held on 19 November 2009

“That officers be given authority to put into effect the measures required to achieve the service savings and reductions contained within the 2010/11/12 proposals, in order that the savings begin to accrue from as early as possible in 2010/11, subject to implementation of the measures only becoming effective if the measures are approved in the budget in February 2010.”

WHEREUPON

- (2) Following a debate, it was proposed by Councillor Berridge and seconded by Councillor Linfield that the proposal at (1) above be amended by the insertion of the words “take steps to” after the word “to” in the first line of the proposal”.
- (3) Councillor Gilbey, as the proposer of the original motion at (1) above then indicated that he was happy to accept the foregoing amendment at (2) above.
- (4) The amendment at (2) above was then put and it was CARRIED.

- (5) The original proposal at (1) above, as varied by the details at (2) above, was then put as the substantive motion and it was RESOLVED accordingly.

(At the commencement of the meeting, Councillor M Flaherty had declared a personal interest in this item in so far as it related to the proposed parking charges for 2010, because she is a holder of a residents' parking permit).

(J) **Executive Meeting 15 October 2009 - Minutes**

The council received the minutes of the above meeting.

(K) **Executive Meeting 5 November 2009 - Minutes**

The council received the minutes of the above meeting.

(L) **Executive Meeting 19 November 2009 - Minutes**

The council received the minutes of the above meeting.

446 **QUESTIONS**

There were no questions for the meeting under Rule 11 of the Council Procedure Rules.

447 **NOTICES OF MOTION FOR CONSIDERATION AT THIS MEETING**

- (A) It was proposed by Councillor Vye and seconded by Councillor MacCaul -

"This Council deplores the recent decision to withdraw funding from groups supporting elderly residents in the district.

During a recession it is of the utmost importance that advice and welfare benefits and support to our elderly residents is maintained.

The Council requests the Executive to reconsider its decision to withdraw funding from Canterbury Age Concern, Whitstable Age Concern, Herne Bay Age Concern and Northgate Over 60s, and to reinstate this funding in full."

The Lord Mayor allowed the Notice of Motion to be dealt with at the meeting.

WHEREUPON

- (B) Following a debate the Notice of Motion at (A) above was put to a vote

Following a request by several Members, a record of the voting was taken as follows.

For the proposal

Councillors Berridge, Bright, Calvert-Mindell, Dixey, Dye, Eden-Green, M Flaherty, R Flaherty, Flanagan, Linfield, MacCaul, Matthews, Parsons, A Perkins, Staley, Steed, Vye and Wratten (18)

Against the proposal

Councillors Anderson, Austin, Bissett, Carnell, Davis, Doyle, Ellis, Fisher, Gilbey, Harrison, Mrs Law, Lee, McCabe, McMahan, Parry, Patterson, J Perkins, Samper, Sharp, Sonnex, A Taylor, H Taylor, Thomas, Todd, Vickery-Jones, and Windsor (26)

Abstained from voting

Councillors Cragg, Pickersgill and Reuby (3)

Absent from the meeting

Councillors Hando, Seath and Vickers (3)

The Lord Mayor declared that the proposal in the Notice of Motion at (A) above was LOST.

(At the commencement of the meeting -

the Lord Mayor had declared a personal interest in this item because Age Concern is one of the Lady Mayoress's Charities this year;

Councillor Linfield had declared a personal interest in the item because she worked for the local branch of Help The Aged.

During the debate on this item, Councillor Eden-Green declared a personal interest in the item because of his membership of the Child Poverty Action Group).

- (C) It was proposed by Councillor Eden-Green and, in the absence of Councillor Vickers, seconded by Councillor Vye that

“Canterbury City Council wishes to sign up to 10:10.”

WHEREUPON

- (D) Without a debate on the matter, the Lord Mayor referred the Notice of Motion, to the **Executive** for consideration.

448 CHANGE IN THE MEMBERSHIP OF THE STANDARDS COMMITTEE

It was proposed by Councillor Gilbey, seconded by Councillor Mrs Law, and

RESOLVED - That the membership of the Standards Committee for the remainder of the year 2009/10 be varied by the removal of Councillor Carnell and the addition of Councillor Reuby.

449 MINUTES

The minutes of the meeting of the council held on 1 October 2009 were agreed as a true record and signed by the Lord Mayor.

450 OVERVIEW AND SCRUTINY COMMITTEE - 30 SEPTEMBER 2009

It was proposed by Councillor A Perkins, seconded by Councillor Dye , and

RESOLVED – That the minutes of the meeting of the Overview and Scrutiny Committee held on 30 September 2009 be received.

451 OVERVIEW AND SCRUTINY COMMITTEE - 20 OCTOBER 2009

It was proposed by Councillor A Perkins, seconded by Councillor MacCaul, and

RESOLVED – That the minutes of the meeting of the Overview and Scrutiny Committee held on 20 October 2009 be received.

452 OVERVIEW AND SCRUTINY COMMITTEE - 12 NOVEMBER 2009

It was proposed by Councillor A Perkins, seconded by Councillor Thomas, and

RESOLVED – That the minutes of the meeting of the Overview and Scrutiny Committee held on 12 November 2009 be received.

453 OVERVIEW AND SCRUTINY COMMITTEE - 18 NOVEMBER 2009

It was proposed by Councillor A Perkins, seconded by Councillor Samper, and

RESOLVED – That the minutes of the meeting of the Overview and Scrutiny Committee held on 18 November 2009 be received.

(Councillor Thomas left the Chamber during the consideration of Minute No. 422 (Herne Bay Central Development Area) because he had a prejudicial interest in the matter).

454 DEVELOPMENT CONTROL COMMITTEE - 13 OCTOBER 2009

It was proposed by Councillor Samper, seconded by Councillor Dixey, and

RESOLVED – That the minutes of the meeting of the Development Control Committee held on 13 October 2009 be received.

(The Chairman of the Committee indicated that there had been some errors in the minutes which had been corrected at the meeting of the Committee on 10 November 2009 and that the minutes of that meeting would be submitted to the next meeting of the Council).

455 AUDIT COMMITTEE - 21 SEPTEMBER 2009

It was proposed by Councillor Samper, seconded by Councillor Fisher, and

RESOLVED – That the minutes of the meeting of the Audit Committee held on 21 September 2009 be received.

456 GENERAL PURPOSES COMMITTEE - 24 SEPTEMBER 2009

(A) It was proposed by Councillor Sharp and seconded by Councillor H Taylor that the minutes of the meetings of the General Purposes Committee held on 24 September and 4 November 2009 be received and the recommendations contained therein at Minute No. 290 (Adjudication on Taxi and Private Hire

Vehicles), Minute No. 292 (Public Consultation on Proposed Unified Skin Piercing Byelaws), Minute No. 293 (Oyster Bay Trail (Phase 1) - Promenade Cycling Byelaw) and Minute No. 381 (Air Quality Management Plan) be approved and adopted.

- (B) Following a debate, the above proposal was then put and it was RESOLVED accordingly.

457 STANDARDS COMMITTEE - 14 OCTOBER 2009

It was proposed by Councillor Samper, seconded by Councillor M Flaherty, and

RESOLVED – That the minutes of the meeting of the Standards Committee held on 14 October 2009 be received and the recommendation in Minute No. 350 (Register of Members' Interests) be approved.

458 STANDARDS COMMITTEE - 4 NOVEMBER 2009

It was proposed by Councillor Samper, seconded by Councillor M Flaherty, and

RESOLVED – That the minutes of the meeting of the Standards Committee held on 4 November 2009 be received.

459 LICENSING SUB-COMMITTEE MEETINGS

It was proposed by Councillor Harrison, seconded by Councillor J Perkins, and

RESOLVED – That the minutes of the meetings of the Licensing Sub-Committee held on 8, 12, 14 and 29 October and 4 and 6 November 2009 be received.

460 WHITSTABLE HARBOUR BOARD - 18 SEPTEMBER 2009

- (A) It was proposed by Councillor Dixey and seconded by Councillor Harrison that the minutes of the meeting of the Whitstable Harbour Board held on 18 September 2009 be received.

WHEREUPON

- (B) A Member asked whether there had been any improvement in the level of shipping activity at the Harbour and the Chairman of the Whitstable Harbour Board explained the position.

- (C) The proposal at (A) above was then put and it was RESOLVED accordingly.

461 SEASON GREETINGS

The Lord Mayor wished everyone a Happy Christmas and best wishes for the New Year.

At this point, the Lord Mayor, having declared at the commencement of the meeting a prejudicial interest in the next item of business, vacated the Chair and left the building. The Chair was taken by the Vice-Chairman, Councillor Davis, for the consideration of that item of business.

462 CANTERBURY BEANEY ART MUSEUM AND LIBRARY

It was proposed by Councillor Gilbey, seconded by Councillor Mrs Law, and

RESOLVED – That the following recommendations in Minute No. E142 of the Executive meeting held on 19 November 2009 be approved –

- (a) That the council approve the recommended contractor for the refurbishment and extension of the Beaney.
- (b) That the council approve the release of the balance of capital funding to enable the above to be delivered.
- (c) That the council delegate authority to the Executive for further approvals on the project provided the allocated capital budget is not exceeded.

There being no other business the meeting closed at 9.45 pm