

CANTERBURY CITY COUNCIL

Minutes of a meeting of the CANTERBURY CITY COUNCIL duly convened and held on Thursday, 13th January, 2011 at 7.00 pm at The Guildhall, Westgate, Canterbury

Present: Councillor Todd (Lord Mayor)

Councillor Anderson, Councillor Austin, Councillor Berridge,
Councillor Bissett, Councillor Bright, Councillor Carnell,
Councillor Cragg, 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 Hando, Councillor Law, Councillor Lee,
Councillor Linfield, Councillor MacCaul, Councillor McCabe,
Councillor McMahan, 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 Vickers, Councillor Vickery-Jones, Councillor Vye,
Councillor Windsor and Councillor Wratten

487 **PRAYERS**

The meeting was opened with prayers by the Vice-Chairman and Sheriff.

488 **APOLOGIES FOR ABSENCE**

Apologies for absence were received from Councillors Calvert-Mindell, Harrison, Matthews, Parry and Seath.

489 **PETITIONS**

The Lord Mayor reported that there were two petitions to be presented at the meeting. He pointed out that the petitions would be received by the Council without debate and that the points made by the petitioners would be borne in mind later in the meeting when the Council considered the issues raised in the petitions with other related items of business for the meeting.

Emily Shirley then presented a petition about the Local Investment Plan.

Jackie Cutler presented a petition about the Scrutiny Review for the Whitstable Harbour Board.

490 **DECLARATION OF MEMBERS' INTERESTS**

Councillors Gilbey, A Perkins and Wratten made a statement that any interests of the members of their respective groups as set out in the minutes for this meeting were deemed to be declared again for those Members present at the meeting.

Councillor Samper declared a prejudicial interest in the item regarding the proposed loan to the Almshouse Charity of Wynn Ellis because of her position as a Council representative on the Trust and its Chairman.

Councillor Samper indicated that she would leave the Chamber during the consideration of that item.

Councillor Thomas also declared a prejudicial interest in the item regarding the proposed loan to the Almshouse Charity of Wynn Ellis because of his position as a Council representative on the Trust. Councillor Thomas indicated that he would leave the Chamber during the consideration of that item.

491 **ANNOUNCEMENTS**

- (1) At the request of the Lord Mayor, the Council recorded with deepest sadness the loss of Private Joseva Vatubua of the Argyll and Sutherland Highlanders, 5th Battalion on 1 January 2011 who had been killed whilst serving in the Helmand province in Afghanistan.

The Lord Mayor indicated that he had been privileged to represent the Council at a Memorial Service at Canterbury Cathedral today when he had spoken to members of the family from Fiji.

The Lord Mayor reported that the Regiment had been extremely grateful for the continued support from the city.

The Lord Mayor paused the business for a short period as a mark of respect for the sad loss of a member of the Regiment.

- (2) The Lord Mayor reported that he was delighted to hear about the following Awards in the New Year's Honours List :

an OBE to Colin Carmichael, the Chief Executive, for services to local government;

an OBE to Mrs A Cottrell who worked for Visit East Kent and did charity work for the cathedral; and

an MBE to Vivienne Spratt of Littlebourne Parish Council for her services to the community.

The Lord Mayor congratulated them on their Awards.

(A) **Gambling Policy**

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

RESOLVED - That the recommendation at Minute No. E143 of the Executive meeting held on 6 January 2011 regarding the approval of the amended Gambling Policy, be approved.

(B) **Local Investment Plan**

(1) It was proposed by Councillor Gilbey and seconded by Councillor Mrs Law that the following recommendations at Minute No. E145 of the Executive meeting held on 6 January 2011 be approved

- (a) The East Kent Local Investment Plan (LIP) documents as a framework for developing detailed delivery plans for the Homes and Communities Agency's (HCA) Investment Programme 2011-2014.
- (b) That delegated authority is given to the Head of Planning and Regeneration to negotiate and agree the delivery plans for the HCA's Investment Programme 2011-2014.
- (c) That a further report is received in Spring 2011 to agree and sign off the final delivery plans for the HCA's Investment Programme 2011-14.

WHEREUPON

- (2) Councillor A Perkins then urged the Executive to defer the Plan pending further information. He indicated that if the Plan was not deferred he would move an amendment that the reference in the Plan to the provision of 2000 homes at south Canterbury be removed.
- (3) The Leader indicated that the Executive was not willing to defer the Plan.
- (4) It was then proposed by Councillor A Perkins and seconded by Councillor Eden-Green that the reference in the Plan to the provision of 2000 homes at south Canterbury be removed.
- (5) Following a debate and in response to the comments at the meeting by some Members, the Leader indicated
 - (i) that the document was not a Strategy. It was a working document and designed to attract funding.
 - (j) the Council needed to decide the number of houses across the District. This was not included in the document;
 - (k) that the dates for the A2 Slips at Harbledown would be removed from the document. He pointed out that there was not a commitment of the Council to do anything;
 - (l) if a positive response was received regarding East Kent issues the document could be refined.

- (6) The amendment at (4) above was then put to a vote and it was LOST.
- (7) The original proposal at (1) above was then put to a vote and it was RESOLVED accordingly.

(C) **Comparison with use of Resources Level 4 Councils**

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

RESOLVED - That the recommendation at Minute No. E147 of the Executive meeting held on 6 January 2011 that the report be noted be approved.

(D) **Draft Environmental Strategy 2010 - 2013**

- (1) It was proposed by Councillor Gilbey and seconded by Councillor Mrs Law that the Council approve the recommendation at Minute No. E155 of the Executive meeting held on 6 January 2011 that the draft Kent Environment Strategy be adopted by the Council given the close correlation of the document to the City Council's own Environment Policy.

- (2) Following a debate, the foregoing proposal was put to a vote and it was RESOLVED accordingly.

(E) **Loan to the Wynn Ellis Charity**

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

RESOLVED - That the following recommendations at Minute No. E159 of the Executive meeting held on 6 January 2011 be approved -

- (a) That the Council enters into a loan agreement with the Trustees of the Almshouse Charity of Wynn Ellis to provide a 20 year loan of £220,000 and an additional loan of £120,000 for a maximum of 12 months based on the terms set out in the report.
- (b) That the Director of Finance, in consultation with the Head of Legal and Democratic Services and the Head of Planning and Regeneration, be authorised to deal with any matters necessary to bring the agreement to completion.

(Having declared prejudicial interests in this item at the commencement of the meeting, Councillors Samper and Thomas each left the Chamber during the consideration of this item).

(F) **Extra item of business - Whitstable Harbour Board - Independent Member - Extension of term**

Following a proposal by Councillor Gilbey and seconded by Councillor Mrs Law to approve the recommendations at Minute No. E161 of the Executive meeting held on 6 January 2011, it was

RESOLVED -

- (a) That the term of Katrina Brown as an Independent member of the Whitstable Harbour Board be extended for 3 years from 1 January 2011 pending any further decisions on the recruitment of Board Members; and, if necessary,
- (b) the requirements under paragraph A6 of the Board's Constitution about the process for the appointment of an Independent member for a second three year term be set aside in this case.

(G) **Executive Meeting - 6 January 2011**

The Council received the minutes of the Executive meeting held on 6 January 2011.

493 **SCRUTINY REVIEW - WHITSTABLE HARBOUR BOARD**

- (1) Councillor H Taylor, as Chairman of the Scrutiny Review Panel, presented the report and recommendations of the Panel regarding the Scrutiny Review for the Whitstable Harbour Board.

WHEREUPON

- (2) It was then proposed by Councillor Gilbey and seconded by Councillor Mrs Law, that the Council approve the recommendations at Minute No. 154 of the Executive meeting held on 6 January 2011.
- (3) Following a debate, the recommendations of the Executive at Minute No. E154 were then put to a vote and they were RESOLVED accordingly.

494 **QUESTIONS**

There were no Members' questions for the meeting.

495 **COUNCIL REPRESENTATIVES ON OUTSIDE BODIES**

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

RESOLVED - That Mrs J Pritchard be re-appointed as one of the Council's representatives on the Canterbury United Municipal Charities until the Annual Meeting of the Council on 18 May 2011.

496 **AUDIO RECORDING OF COUNCIL MEETINGS**

- (1) It was proposed by Councillor Gilbey, seconded by Councillor Mrs Law –
 - (a) That the audio recording of the Overview and Scrutiny Committee and the publication on the council's website be made permanent.

- (b) That all committee and Council meetings at the Guildhall be recorded unless members of that committee and Council agree otherwise.
- (c) That the Council recommend to the **Executive** that the recordings of their meetings and the publication on the website be made permanent.
- (d) That the Head of Legal and Democratic Services be given delegated authority to make further enhancements to the system of recordings in the future.
- (e) That the protocol, now reported, be adopted.

WHEREUPON

- (f) Several Members commented on issues arising.
- (g) The proposals at (a) to (e) above were then put to a vote and they were RESOLVED accordingly.

497 **MINUTES**

The minutes of the meeting of the Council held on 25 November 2010 were agreed as a true record and signed by the Lord Mayor.

498 **OVERVIEW AND SCRUTINY COMMITTEE - 15 DECEMBER 2010**

It was proposed by Councillor A Perkins, seconded by Councillor Mrs Law, and

RESOLVED - That the minutes of the meeting of the Overview and Scrutiny Committee held on 15 December 2010 be received.

(The Chairman of the Overview and Scrutiny Committee indicated that the draft programme for future scrutiny reviews would be agreed at the next meeting of the Scrutiny Sub-Committee. If Members wished to suggest potential items he urged that the details be forwarded to the Improvement Manager within the next 10 days).

499 **OVERVIEW AND SCRUTINY COMMITTEE - 5 JANUARY 2011**

It was proposed by Councillor A Perkins, seconded by Councillor Mrs Law, and

RESOLVED - That the minutes of the meeting of the Overview and Scrutiny Committee held on 5 January 2011 be received.

500 **DEVELOPMENT CONTROL COMMITTEE - 7 DECEMBER 2010**

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

RESOLVED - That the minutes of the meeting of the Development Control Committee held on 7 December 2010 be received and the recommendation

contained therein at Minute No. 435 (Review of validation checklists supporting planning and other applications) be approved.

501 GENERAL PURPOSES COMMITTEE MEETINGS - 16 AND 23 DECEMBER 2010

It was proposed by Councillor Sharp, seconded by Councillor H Taylor, and

RESOLVED - That the minutes of the meetings of the General Purposes Committee held on 16 and 23 December 2010 be received and the recommendations at Minute No. 464 (Review of the Licensing Policy) and Minute No. 465 (Sex Establishments and Sexual Entertainment Licences) be approved.

502 AUDIT COMMITTEE - 29 NOVEMBER 2010

(1) It was proposed by Councillor Samper and seconded by Councillor J Perkins that the minutes of the meeting of the Audit Committee held on 29 November 2010 be received and the recommendations at Minute No. 417 (Regulation of Investigatory Powers Act 2000) and Minute No. 419 (Comparison with use of resources Level 4 Councils) be approved.

WHEREUPON

(2) Following a debate on Minute No. 421 (in so far as it related to traffic congestion risk), the foregoing proposal was then put to a vote and it was RESOLVED accordingly.

503 HOUSING APPEALS AND BENEFITS COMMITTEE MEETINGS

It was proposed by Councillor Sonnex, seconded by Councillor Hando, and

RESOLVED - That the minutes of the meetings of the Housing Appeals and Benefits Committee held on 12 November and 10 December 2010 be received.

(Councillor Hando referred to Minute No. 369 of the meeting of the Housing Appeals and Benefits Committee held on 12 November 2010 regarding his declaration of interest as a Council Representative for Canterbury Housing Advice Centre. He indicated that he was no longer the Council's Representative (as Councillor Austin is now the Council's Representative) but he attended meetings of the organisation as an individual).

504 LICENSING SUB-COMMITTEE MEETINGS

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

RESOLVED - That the minutes of the meetings of the Licensing Sub-Committee held on 23 and 30 November, 7, 14 and 17 December 2010 be received.

505 **WHITSTABLE HARBOUR BOARD - 19 NOVEMBER 2010**

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

RESOLVED - That the minutes of the meeting of the Whitstable Harbour Board held on 19 November 2010 be received and the recommendation at Minute No. 383 (that the financial projections 2008/09 - 2014/15 for the profit and loss account and capital expenditure statement be noted) be approved.

506 **EXTRA ITEM OF URGENT BUSINESS - COUNCILLOR PARRY - ABSENCE FROM MEETINGS**

- (1) It was proposed by Councillor Gilbey, seconded by Councillor Law that pursuant to the provisions of paragraph 13(xvii) of the Council Procedure Rules, that this matter be considered at the Council Meeting on 13 January 2011

and

in the event that Councillor Parry is unable to attend a meeting of the authority by 17 February 2011 (when the current period of her absence from meetings expires), in order to comply with the requirement under Section 85(1) of the Local Government Act 1972 regarding the attendance of a Member at meetings of the authority, the Council gives its consent to the continued absence of Councillor Parry at meetings of the authority from 16 February 2011 until the end of her term at the local Elections on 5 May 2011, because of the personal circumstances relating to her ill-health as now reported.

WHEREUPON

- (2) A Member then commented on a similar position which affected two Members four years ago and remarked that they had chosen not to serve out their term.
- (3) The Leader mentioned that this had been a matter for the Members concerned.
- (4) The proposal at (1) was then put to a vote and it was RESOLVED accordingly.

There being no other business the meeting closed at 9.30 pm