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Date of publication: Monday, 10 January 2011

CANTERBURY CITY COUNCIL

Minutes of a meeting of the EXECUTIVE held on Thursday, 6 January 2011 at 6.30 pm at The Guildhall, Westgate, Canterbury

Present: Councillor Gilbey, Leader of the Council
Councillor Austin
Councillor Doyle
Councillor Ellis
Councillor Mrs Law
Councillor Patterson
Councillor Vickery-Jones

**Other Member present
for all or part of the
meeting** Councillor Dixey

E134 MINUTE SILENCE

A minute silence was held for Private Joseva Vatubua, of the Argyll and Sutherland Highlanders, 5th Battalion, who had been killed while serving in Helmund province, Afghanistan.

E135 APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Lee and A Taylor.

E136 DECLARATION OF ANY INTERESTS

There were no declarations of interest at the commencement of the meeting.

During the consideration of the report regarding a loan to the Almshouse Charity of Wynn Ellis, all the Executive Members declared a personal interest as some of the Trustees of the Almshouse Charity were known to them. These declarations are recorded at Minute No. E159.

E137 PUBLIC PARTICIPATION

The Leader reported that there were two public speakers, one for the items on the debt write off and the Regulation of Investigatory Powers Act 2000 and a speaker for

the item on the Whitstable Harbour Scrutiny Review. The Leader indicated that the speakers would be heard immediately before the consideration of the relevant items.

E138 ANNOUNCEMENTS

- (a) Councillor Mrs Law reported that the Play Provider Network Conference and the launch of the shared directory would be held on 15 February at the Westgate Hall. It would provide bite size training sessions for people within the voluntary sector covering managing volunteers, special needs, disabilities and domestic violence participants.
- (b) Councillor Mrs Law announced that there would be an immunisation take up campaign. During the week commencing the 24 January all the children's centres in the district would take part in the campaign to raise awareness of the importance of immunising children. Information would be sent to all registered families via the newsletter and given out at all groups. Staff would be trained to ensure that families from minority groups fully understood the issues involved.
- (c) Councillor Doyle reported that SERCO had recently won an award from the British Association of Landscape Industries. Congratulations had been given to Chris Sear and the staff in the department who were responsible for the award.
- (d) Councillor Doyle also reported that £26,000 had been received from the Play Builders Scheme for the Lucerne Drive project at Seasalter and this meant that, with this money and developer and housing contributions, the original scheme would be realised. Contractors would be appointed next week.
- (e) Councillor Doyle stated that woodchip boiler had now been delivered and works were taking place at the Council Offices.
- (f) Councillor Vickery-Jones reminded all Members that there was a stakeholder meeting for the Canterbury Community Safety Partnership on 28 January at Augustine House, starting at 9.30am. It was an opportunity for elected Members to contribute to the priorities for public safety in the district.
- (g) Councillor Vickery-Jones reported that Radio Kent presenter Julia George had a phone-in regarding CCTV. The use of and the usefulness of CCTV was discussed during the programme, as was the potential damage that reliance on CCTV could cause. It was reported that the Canterbury district had the highest density of CCTV cameras in England. There was a police report to the effect that 80% of all CCTV coverage was not of a good enough quality to be used as evidence. This did not apply to the Council run equipment which was of an excellent standard and was used for evidence by the Police. The 80% was referring to cameras in shops, buses and private residences which were used as a deterrent rather than for evidence purposes. The CCTV system run by the Council was very good.
- (h) Councillor Austin reported that Southern Housing's development of affordable housing at Bridge was moving forward again. The purchase of the land had been completed, following the rejection of a judicial review of the planning decision and a further rejection of an appeal against the refusal of the judicial review. The City Council were awarded £4,000 in costs when the judicial review was rejected. Despite the results of a housing survey and the whole-hearted support of both the City Council and Bridge Parish Council, a number of objections had been raised

including ancient hedgerows on a site where bricks used to be made, insufficient foul sewage infrastructure for eight units and the possible presence of the great crested newt. Southern Housing were thanked for their persistence in continuing with the very worthwhile project despite determined resistance from one small group of people.

- (i) The Leader reported that the Article 4 Direction for HMOs had been applied for on 29 November 2010 and that the consultation would end on the 14 January 2011. It could be in place by 2 December 2011.
- (j) The Leader also reported that three people who were either local residents or closely associated with the district had been awarded honours in the New Year Honours List. Amanda Cottrell who worked with Visit Kent and did charity work for the cathedral. Vivienne Spratt who was the Chairman of Littlebourne Parish Council. The Chief Executive who had done a great deal of charity work and been involved with the education community.

E139 MEMBERS' QUESTIONS

There were no Members' questions for the meeting.

E140 MINUTES

The minutes of the Executive meetings held on 4 and 18 November 2010 were agreed as a true record and signed by the Leader.

E141 FORTHCOMING DECISION LIST

RESOLVED – That the Forthcoming Decision List which had been published for the period 1 December 2010 to 31 March 2011 be noted.

E142 ANNUAL AUDIT LETTER

Andy Mack, the District Auditor introduced the Annual Audit Letter and made the following comments;

- (i) Canterbury City Council had performed very well in the last year despite the challenging times.
- (ii) The financial statements were very good and the Director of Finance and his staff should be praised for this.
- (iii) The increase in the level of reserves was very good.
- (iv) The Council was well prepared for the introduction of the International Financial Accounting Standards.
- (v) The Council had performed well in relation to value for money and there were good mechanisms in place for decision-making.
- (vi) The Council would be on the cusp of being rated a Level 4 Authority, if the Use of Resources was still being scored.
- (vii) Canterbury City Council was well placed for future challenges.

An Executive Member asked if it was noted that Canterbury City Council offered more discretionary services, such as community development and in terms of

museums, than other local authorities. Also how were the customer's opinions on value for money services measured?

The District Auditor responded that the local authorities in Kent were all high performing and that Canterbury was one of the best. The nature of Canterbury's involvement with the community was appreciated. The opinions of the Council's customers were obtained by a range of work which included consultation with community groups and discussions with Members and officers.

An Executive Member indicated that the Annual Audit Letter was pleasing and asked what the procedure was for councils which were failing?

The District Auditor responded that ultimate sanction was a public interest report which would require formal action and approximately five or six were issued each year.

The Leader indicated that the Annual Audit Letter was an endorsement of the many difficult decisions the Council had made, for our Comprehensive Environment Strategy and for the policy of building up financial reserves. The Executive Members were most grateful for the recognition.

E143 **GAMBLING POLICY**

The Commercial Health Manager introduced the report of the Head of Housing, Community Safety and Environmental Services which explained that this was a statutory policy that was required to be produced by the Licensing Authority under the requirements of the Gambling Act 2005. It was reported that the Department of Culture, Media and Sport had indicated that there would be a consultation on changing the number of gambling machines and that the policy might need to be altered as a result of this consultation.

An Executive Member commented that the policy was a tried and tested one, which had not experienced any problems.

RECOMMENDED (to Full Council) – That, subject to any amendments that might be forthcoming due to any changes in the relevant legislation, the amended Gambling Policy as laid out in Appendix A to the report be approved.

E144 **KENT AND MEDWAY HOUSING STRATEGY**

The portfolio holder introduced the report of the Head of Planning and Regeneration which explained that the draft Kent and Medway Housing Strategy had been circulated for consultation to all local councils in Kent and Medway. The document was commissioned by Kent Economic Board. It reflected their Framework for Regeneration. New housing was viewed as critical for prosperity and economic growth in Kent. The draft Kent and Medway Housing Strategy acknowledged that district councils were responsible for housing and planning. It presented a menu of recommendations and actions, which districts might adopt according to local circumstances. The Executive received and considered the comments of the Overview and Scrutiny Committee. The portfolio holder made the following comments:

- (i) The Kent and Medway Strategic Housing Market Assessment mirrored the county assessment and identified common trends and some differences.
- (ii) The process for obtaining funding for energy efficiency home improvements should be simplified and this was a welcome inclusion in the strategy.
- (iii) It was hoped that the recommendation that Kent County Council and Medway Council continue to prioritise investment to ensure the delivery of supporting people priorities would actually happen and materialise.

The Leader made the following comments;

- (i) The Kent and Medway Housing Strategy was not a Kent County Council document but was from fourteen local authorities and was one of the first of its kind.
- (ii) The work of the Housing Strategies Policy Manager should be praised.
- (iii) The comments from Canterbury City Council on the strategy had all been included.
- (iv) Kent County Council had a strategic responsibility for housing but Canterbury City Council was still responsible for housing numbers, planning and all other aspects.
- (v) There was a reluctance to change the document as the Council had contributed the vast majority of the content.
- (vi) The work of the Overview and Scrutiny Committee had been notable and the Committee should have been provided with a better explanation for the strategy by the leadership. The Council would still retain responsibility for planning applications and housing numbers and the Local Investment Plan document was a living document over which the Council maintained responsibility.

RESOLVED – That Canterbury City Council responds positively to the consultative draft Kent and Medway Housing Strategy and explains that some of the recommendations identified in the report might not be appropriate for the circumstances of the district.

E145 **LOCAL INVESTMENT PLAN**

The Head of Planning and Regeneration introduced the report which sought endorsement of the draft East Kent Local Investment Plan. This was a document that had been negotiated by the East Kent councils with the Homes and Communities Agency. It was a vital bid for funding to support the development of affordable housing, improvement of the existing housing in East Kent and the district and other regeneration priorities. The Executive received and considered the comments of the Overview and Scrutiny Committee together with the response of the Head of Planning and Regeneration.

The Leader made the following comments;

- (i) The Local Development Framework was dead.
- (ii) The Local Investment Plan was based on the consultation proposals as these were the last Council decisions on these matters.
- (iii) A new Local Plan would be developed once guidance was available.
- (iv) The issues in the Local Investment Plan would be addressed as they developed and progressed.

RECOMMENDED (to **Full Council**) –

- (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.

E146 **HERITAGE CRIME INITIATIVE: MEMORANDUM OF UNDERSTANDING**

The Leader introduced the report of the Head of Planning and Regeneration on the heritage crime initiative and explained that there was support from all police superintendents across the country and that it would be very beneficial to the district.

The report explained that heritage crime was defined as 'any offence which harmed the value of England's heritage assets and their settings to this and future generations'. The overriding objective of the initiative was to reduce the amount of crime that caused damage to or interfered with the enjoyment of England's heritage. This was to be achieved by closer cooperation between the national agencies and local authorities responsible for the prevention, detection and prosecution of heritage crime.

A Memorandum of Understanding (MoU) had been prepared to help foster cooperation between the respective parties and to allow necessary flexibility in activities that were undertaken between them in relation to heritage crime. It defined the roles and responsibilities of the parties in the prevention, investigation, enforcement and prosecution of heritage crime, in keeping with their respective aims. Such protocols would form the basis of the working arrangements with those involved at local, regional and national level.

RESOLVED – That Ian Brown, the Head of Planning and Regeneration is authorised, on behalf of the City Council, to sign the 'Memorandum of Understanding on the prevention, investigation, enforcement and prosecution of Heritage Crime'.

E147 **COMPARISON WITH USE OF RESOURCES LEVEL 4 COUNCILS**

The Director of Finance introduced the report on the comparison with Use of Resource Level 4 Councils which explained that the research was undertaken in order to understand the District Auditor's assessment for Canterbury's Use of Resources score by comparison with the top scoring councils.

The Leader commented that the reputation of the Council's officers and the Council was important at the present time and as such the report was good.

RECOMMENDED (to **Full Council**) – That the report be noted.

E148 **REVENUE BUDGET MONITORING REPORT**

The Director of Finance introduced the report on revenue budget monitoring which advised Members of the projected budget outturn against the General Fund Revenue Budget based upon the income and expenditure position for 6 months ending 30

September 2010. It advised upon specific issues which had been identified and options available to ensure departmental cash limited budgets were not exceeded.

The Leader commented that it was important that reserves were available for the future and careful management would continue to be essential.

An Executive Member commented that it was good that the increases in the general fund balance had been noted by the District Auditor and that the challenges faced by the Council had been recognised. Also the adoption and approval of the previous two year budget was praised.

RESOLVED –

- (a) That the approach adopted by Management Team be endorsed.
- (b) That where major budget variations have been identified, Directors action the necessary virements within existing cash limits.
- (c) That Directors and Heads of Service continue to seek to identify further savings where this does not compromise essential service delivery.

E149 HALF YEAR MONITORING OF CAPITAL PROGRAMME - FINANCIAL YEAR 2010/11

The Director of Finance introduced the report on the half year monitoring of the Capital Programme – Financial Year 2010/11 which advised Councillors on the position of the General Fund Capital Budget for 2010/11 and its financing, six months through the financial year.

An Executive Member indicated that the talks between the Football Club and the Simon Langton School had ceased and that there would be a meeting between the portfolio holder, the Chief Executive and relevant officers to discuss further possible options for the football club.

RESOLVED – That the report be noted.

E150 DEBT WRITE OFF

(Prior to the consideration of this item Dick Eburne, a local resident, spoke to this item).

The Director of Finance introduced the report on the debt write off. As the debt write off exceeded £10,000 it needed to be reported to the Executive before the Director of Finance authorised the transaction. The Director of Finance made the following comments:

- (i) The intention was to tackle non-payment of debts earlier in the process.
- (ii) New processes were in place to enable monitoring and intervention to be undertaken earlier and these included a face to face meeting between the Parking Enforcement Manager and the registered car owner and earlier seizure of vehicles.
- (iii) Some individuals would continually not abide by the rules.

The Leader asked how often the debt recovery position reached this level and was it a rarity?

The Director of Finance responded that the process was being looked at to avoid this situation developing again.

An Executive Member asked if the level of debt would be allowed to reach the value of the vehicle before action was taken.

The Director of Finance responded that this was not the case and that action would be taken earlier in the process in the future to ensure management of Penalty Charge Notice debts.

The Leader commented that the non-payment debt was actually only being removed from the Council's records but that the debt was still owed by the individual.

RESOLVED – That authorisation be given to the Director of Finance to write off the debt.

E151 KENT BENEFITS PARTNERSHIP

The Director of Finance introduced the report on the Kent Benefits Partnership which advised Members on a proposal for the Kent Benefits Partnership to become a Social Enterprise company called Welfare Advice Services.

An Executive Member commented that the Kent Benefits Partnership had been very good and that it should be supported as a Social Enterprise.

The Leader explained that the Kent Benefits Partnership had been a huge success and very beneficial for the district.

RESOLVED –

- (a) That the Executive supports the proposal for Kent Benefits Partnership to become a Social Enterprise company.
- (b) That the council supports the Social Enterprise in its initial years by guaranteeing it will order £6,000 of welfare support work each year for the next two years.
- (c) That any surplus funding achieved by the Kent Benefits Partnership as at 31 March 2011 will be transferred to the Social Enterprise.

E152 REGULATION OF INVESTIGATORY POWERS ACT 2000

(Prior to the consideration of this item Dick Eburne, a local resident, spoke to this item).

The Head of Legal and Democratic Services introduced the report on the Regulation of Investigatory Powers Act 2000 which described the use by the Council of this legislation and sought approval of the necessary policy to do so. The following comments were made;

- (i) The resolution in the report should be amended to allow for the Head of Legal and Democratic Services to have delegated power to make amendments to the policy.
- (ii) There were seven authorising officers as it was important to have a spread of the knowledge of the policy and its sensitivity for people.

- (iii) It had been proposed that an application would have to be made to a magistrate to use the RIPA but there had not been any recent developments on this matter.

An Executive Member expressed support for the policy and requested that the resolution to include any amendments to the policy be made in consultation with the portfolio holder. Also it was asked for clarification on how the Data Protection Act provided protection.

The Head of Legal and Democratic Services explained that where material was collected under the RIPA it would only be kept for as long as it was needed for evidence purposes and then it would be disposed of. The Council had a policy in place and officers had been trained.

RESOLVED –

- (a) That the policy be approved
- (b) That delegated power be given to the Head of Legal and Democratic Services to make amendments to the policy if the guidance or law changed prior to an annual review of the policy and that the portfolio holder for community safety be informed of such changes.

E153 TOWER HILL, WHITSTABLE

The portfolio holder introduced the report of the Head of Planning and Regeneration which explained that the Joint Transportation Board had recommended that the one-way system in Tower Hill was made permanent. A resolution by the Executive was therefore needed to make a permanent amendment to the traffic regulation order defining the parking bays in Tower Hill.

RESOLVED – That a permanent amendment is made to the traffic regulation order defining the parking bays in Tower Hill.

E154 WHITSTABLE HARBOUR BOARD SCRUTINY REVIEW

(Prior to the consideration of this item, Ian Waddington, spoke to this item).

The portfolio holder introduced the report on the Whitstable Harbour Board Scrutiny Review Panel which introduced the final report of the Panel and the Management Team's recommendations for action. The following comments were made by the portfolio holder;

- (i) The Harbour was a district wide asset.
- (ii) The recommendations of the Review Panel were supported by the Overview and Scrutiny Committee.
- (iii) The Localism Bill was not law yet and if it was passed then the issues could be looked at again.

The Leader commented that the Localism Bill was not expected to become law until December 2011.

The Head of Legal and Democratic Services reported that the relevant Localism Bill provisions would require secondary legislation to be effective if they were enacted.

The Strategic Director, David Reed, made the following comments:

- (i) The Panel Members and the Improvement Manager should be thanked for their work.
- (ii) The Panel had agreed to accept and not to revisit the Harbour's objectives.
- (iii) The focus of the review was on the three governance models and these had been analysed. The conclusion was that the current model worked well and there was not a proven case to change the model but there was a menu of possible amendments.
- (iv) The independent company model was untested.
- (v) There was not a misuse of public funds, the changes to the current model would not invoke any additional costs and could actually save some money with the reduction of meetings and members of the Harbour Board.
- (vi) The decisions of the Panel would not prejudice any future discussions or decisions.

The Head of Legal and Democratic Services explained that Clause 68 of the Localism Bill would require an assessment of whether the expression of interest would promote or improve the social, economic or environmental well being of the authority's area but this would also mean a procurement process and those who initiated the assessment might not be successful.

The portfolio holder made the following additional comments;

- (i) There had been some misleading comments and the harbour had not always run at a loss before the Harbour Board was established.
- (ii) The expertise of the Council officers was not fully appreciated; the engineering, property and financial sections had very knowledgeable staff. The Harbour Master had a great deal of expertise.
- (iii) The size of the Whitstable Harbour Board was not consistent with other Harbour Boards such as Dover.

The Panel's recommendations, the advice on estimated costs, the Management Team advice and the proposed draft recommendations of the Executive to Full Council were circulated at the meeting.

The portfolio holder read out the proposed recommendations of the Executive as set out in the recommendations to **Full Council** below.

An Executive Member commented that there had been reports of the last Board meeting being acrimonious and this was in fact not the case. The decision could not wait for the Localism Bill to become law and it was hoped that there could be close working relationships with interested parties in the future.

RECOMMENDED (to Full Council) – That the recommendations of the Executive, as set out below, be approved.

Rec. no.	Scrutiny Review Recommendation	Estimated Cost	Management Team Advice	Recommendation of the Executive to Full Council
1	<i>The Scrutiny Review Panel endorse the previous decision that the leasing out/concession and outright sale options are unacceptable for Whitstable Harbour.</i>	Within existing staff resources	Accept	Accept recommendation
2	<i>The Scrutiny Review Panel recommend that reconstitution as a Trust Port would not be appropriate for Whitstable Harbour.</i>	Within existing staff resources	Accept	Accept recommendation
3	<i>The panel could not reach a unanimous view about the option to transfer the harbour to an independent company. Most of the panel felt that this option should not be supported or pursued further. They noted that no other council had pursued this approach and felt that the current balance of councillor and independent members had been successful, there was a continuing need for direct democratic accountability for the decisions made, and that the cost and timescale involved in pursuing an independent company were out of proportion to the benefits which might be realised. Some of the panel however, whilst recognising the level of resources which might be required to pursue this option and that it would be unique amongst municipal ports, were nevertheless keen to keep this option open as a possibility for the future.</i>	Within existing staff resources unless a decision is made to investigate an independent company further	Noted. This is a matter for Full Council to consider and take the final decision.	Recommend that the option to transfer the harbour to an independent company should not be supported or pursued further at this stage because of the cost, time and difficulties involved in setting up a new company and the significant financial investment required in the Harbour over the next few years.
4	<i>The panel carefully debated the option of direct management as an executive function but unanimously felt that it would be seen as a backward step when the current council</i>	Within existing staff resources	Noted. This is a matter for Full Council to consider and take the final decision but it	Accept recommendation

	<i>committee approach had generally been seen as successful over the last few years. Even with an advisory board in place the concentration of responsibility in the hands of one portfolio holder and the executive who had numerous other responsibilities could lead to less focussed decision making to the detriment of the future of the harbour.</i>		should be recognised that this option, if chosen, may need to be revised in the light of changes to the Executive arrangements in the new municipal year.	
5	<p><i>Recommendations to improve the operation of the Harbour Board if direct management as a non executive function is retained:</i></p> <p><i>(i) Reduce the size of the Harbour Board from the current thirteen members (including the Executive liaison member) to seven members (4 councillors and 3 co-opted independent members).</i></p> <p><i>(ii) Ensure the Executive Portfolio Holder for the Harbour is amongst the councillors appointed to the Board.</i></p> <p><i>(iii) Ensure that one of the members for Harbour ward is amongst the councillors appointed to the Board and that a second Whitstable member is amongst the councillors appointed. At least one member should be a non Whitstable ward member.</i></p> <p><i>(iv) The chairman should continue to be appointed from amongst the councillors</i></p>	<p>The recommendations are within existing officer and harbour resources.</p> <p>Any changes to governance structures may require some legal resource to put into effect.</p>	<p>If Full Council decide that direct management as a non executive function is retained these sixteen recommendations will need to be considered individually as they are a menu of suggestions to streamline the Board's affairs.</p> <p>Recommendation (vii) is a matter for officers to implement, Management Team recognise that an exception to this rule may be required on occasion.</p> <p>Recommendations (viii), (xi), (xii) and (xiii) are a matter for the Board to implement.</p>	<p>Recommend that direct management as a non executive function is retained subject to the following:</p> <p>(i) Accept recommendation (with effect from the 2011 annual council meeting).</p> <p>(ii) Accept recommendation (with effect from the 2011 annual council meeting).</p> <p>(iii) Accept recommendation that one of the members for Harbour ward be appointed to the board but reject the other stipulations – these are a matter for the political parties during the Political balance process.</p> <p>(iv) Accept recommendation that the chairman should continue to</p>

	<p><i>but should not be a member for Harbour ward or a member of the executive.</i></p> <p><i>(v) Introduce a rule change that substitute members would not be allowed to replace absent councillors.</i></p> <p><i>(vi) Introduce a rule change to determine a maximum tenure for the chairman of the Harbour Board. The panel's suggestion is seven years.</i></p> <p><i>(vii) Limit the attendance of officers at Board meetings to a maximum of four officers per meeting.</i></p> <p><i>(viii) The Board should be invited to reconsider the time of its meetings.</i></p> <p><i>(ix) Board meetings to be limited to six a year and 2.5 hours maximum.</i></p> <p><i>(x) A small operational Management Group to be established to manage harbour affairs between full Harbour Board meetings.</i></p>		<p>Recommendation (xiv) is a matter for the Chief Executive and has been implemented with effect from 1 January 2011.</p> <p>The remaining recommendations are a matter for Full Council to consider and take the final decision.</p>	<p>be appointed from amongst the councillors and not be a member of the executive but reject the recommendation that a Harbour ward member cannot be chairman.</p> <p>(v) Reject recommendation. Each party should name up to two substitutes to replace any absent councillor.</p> <p>(vi) Accept recommendation.</p> <p>(vii) Reject recommendation although agree number should be minimised.</p> <p>(viii) Noted – a matter for the board to consider.</p> <p>(ix) Accept recommendation for six scheduled board meetings each year but reject recommendation for time limited meetings.</p> <p>(x) Reject recommendation – delegation of decision making to officers between meetings should be achieved in the usual way.</p>
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	<p>(xi) <i>Improve further the operation of the Harbour Users' Group</i></p> <p>(xii) <i>Remind the Harbour Board of the potential to appoint further officer resources should they so wish.</i></p> <p>(xiii) <i>Remind the Harbour Board of their ability to appoint outside consultancy advice and expertise should they so wish.</i></p> <p>(xiv) <i>Change the reporting line of the dedicated harbour officer team into the senior council management structure. It is suggested the most appropriate place would be economic development or tourism.</i></p> <p>(xv) <i>Further improve the appointment process of the independent co-opted Members of the Board.</i></p> <p>(xvi) <i>Specify a maximum of two terms of three years each for the independent co-opted members of the Board.</i></p> <p><i>The panel unanimously agreed the sixteen recommendations set out above should be implemented if this option is chosen by the council. Overall the panel believes that these proposals will, if implemented, significantly improve the workings of the Harbour Board if it is retained as a council committee as at present.</i></p>			<p>(xi) Accept recommendation – further report required.</p> <p>(xii) Noted.</p> <p>(xiii) Noted.</p> <p>(xiv) This has been implemented by the Chief Executive with effect from 1 January 2011.</p> <p>(xv) Accept recommendation – further report required.</p> <p>(xvi) Accept recommendation.</p>
6	<i>The Panel feels very strongly that the size of the Harbour Board should be no more than seven with 4 councillors and 3 independent co-</i>	Within existing staff resources	Noted. This is a matter for the Political Management Working Party and	Accept recommendation but recognise that if agreement cannot be reached political balance may

	<p><i>opted members. It recognises that appointing four councillors may raise an issue depending on the political balance of the council from time to time but recommends to council that an exception to the normal political balance rules be made in respect of the Board and that compensating allowance be made on another committee. Should it not be possible to agree the appointment of four councillors in this way the Panel would reluctantly recommend a fifth be appointed but only until such time as agreement can be reached for a reduction back to four. In these circumstances most of the Panel would recommend that the number of independent co-opted members remain at three but the remainder of the Panel would wish the number to increase to four for the period of time involved.</i></p>		ultimately Full Council.	<p>occasionally require 5 councillors to be appointed. Recommend in such circumstances the number of independent co-opted members should remain at 3.</p>
7	<p><i>The Scrutiny Review Panel have carefully debated the three options for governance of the harbour set out in this report in the light of all the evidence received. After thorough consideration most of the Panel recommend that Whitstable Harbour should continue to be directly managed by the council as a non-executive function through a reconstituted and streamlined Whitstable Harbour Board. The remainder of the Panel do not disagree with this recommendation but wish to keep the independent company option open as a possibility for the future. The whole Panel unanimously agree that if the non-executive</i></p>	<p>Within existing staff resources unless a decision is made to investigate an independent company further</p>	<p>Noted. This is a matter for Full Council to consider and take the final decision.</p>	<p>Accept recommendation that direct management as a non executive function be retained subject to the above.</p>

	<i>option is chosen by the council the sixteen recommendations set out above should be introduced as they believe these will significantly improve the workings of the Harbour Board in future.</i>			
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E155 DRAFT KENT ENVIRONMENT STRATEGY 2010 - 13

The portfolio holder introduced the recommendation from the Environment Policy Working Group regarding the draft Kent Environment Strategy 2010-13.

The Strategic Director, David Reed, explained that there was a close correlation between the document and the Council's environment strategy and this would provide a good starting point.

RECOMMENDED (to **Full Council**) – That the Draft Kent Environment Strategy 2010-13 be adopted by the Council given the close correlation of the document to the City Council's own Environment Policy.

E156 MEMBERSHIP OF THE EDITORIAL BOARD

RESOLVED – That the membership of the Editorial Board for the remainder of the year 2010/11 be amended by the removal of Councillor Mrs Law and the addition of Councillor A Taylor.

E157 RECOMMENDATION FROM THE HERNE BAY AREA MEMBER PANEL - KENT INTERNATIONAL AIRPORT

The portfolio holder introduced the item and explained that the planning application had been withdrawn. Thanet District Council had appointed consultants and Canterbury City Council made a contribution to this. It was explained that the Environmental Protection Manager had been involved in discussions with the Civil Aviation Authority. There were no objections to the proposal but it was felt to be a little premature.

The Leader commented that all dialogue channels were open and it would be prudent to wait and see if a working group was necessary.

An Executive Member drew attention to the need to be alerted to developments and that there had been an exclusion of the Canterbury district from some recent discussions.

The portfolio holder explained that Canterbury had a seat on the Committee and that the presentation had not been extended to the Herne Bay area.

RESOLVED – That the decision on the appointment of an Executive working group be deferred and that the situation be kept under review.

E158 APPLICATION FOR CAPITAL LOAN BY THE CANTERBURY RUGBY FOOTBALL CLUB

The Director of Finance introduced the report of the Head of Finance which set out the application received for a capital loan from Canterbury Rugby Football Club.

The Head of Legal and Democratic Services explained that the resolution should be amended to read 'paying a reasonable contribution to the legal fees' rather than 'paying some of the legal fees'.

The portfolio holder indicated that there was full support of the loan being made and that the club provided valuable services within the district.

RESOLVED – That the Council make a loan of £30,000 over a period of 10 years to the Canterbury Rugby Football Club for repairs to their clubhouse, subject to the Club paying a reasonable contribution to the legal fees of the Council and that the Head of Finance be authorised to determine the rate of interest payable on the loan.

E159 **LOAN TO THE ALMSHOUSE CHARITY OF WYNN ELLIS**

(During the consideration of this item, all the Executive Members declared a personal interest, as some of the trustees of the Almshouse Charity of Wynn Ellis were known to them).

The Director of Finance introduced the report on the loan to the Almshouse Charity of Wynn Ellis within the Prudential Borrowing framework to support an extension and modernisation project. He described the use of the well being powers and how this proposal was consistent with them.

The portfolio holder indicated that the loan was strongly supported as it would provide affordable housing and improvements to existing units.

RECOMMENDED (to **Full Council**) –

- (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.

E160 **DATE OF NEXT MEETING**

Thursday 20 January 2011 – 6.30pm in the Guildhall

E161 **EXTRA ITEM OF BUSINESS - WHITSTABLE HARBOUR BOARD - INDEPENDENT MEMBER - EXTENSION OF TERM**

The Strategic Director, David Reed, advised the Executive Members that the term of Katrina Brown, as an Independent member had expired on 31 December 2010. The Executive Members were asked to consider whether to recommend to **Full Council** an extension of her term by three years.

RECOMMENDED (to **Full Council**) –

- (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.
- (b) That 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.

E162 **EXCLUSION OF THE PRESS AND PUBLIC**

RESOLVED – That under Section 100(A)(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.

E163 CONFIDENTIAL APPENDICES TO THE REPORT ON THE APPLICATION FOR CAPITAL LOAN BY CANTERBURY RUGBY FOOTBALL CLUB

(Exempt information)

These appendices were considered when the Executive made its decision at Minute No. E158 above.

E164 CONFIDENTIAL APPENDICES TO THE REPORT ON THE LOAN TO THE ALMSHOUSE CHARITY OF WYNN ELLIS

(Exempt information)

These appendices were considered when the Executive made its recommendations at Minute No. E159 above

E165 PROPOSED DISABLED PERSONS' PARKING BAY

(Exempt information)

The portfolio holder presented the report of the Head of Planning and Regeneration which advised on an application for a disabled persons' parking bay. The application had been advertised and one objection had been received.

The application and objection had been considered by the Joint Transportation Board which had recommended to the Executive that the application should be approved.

The Executive considered the application, the objection and the recommendation of the Joint Transportation Board.

RESOLVED - That the application be approved.

There being no other business the meeting closed at 8.35 pm