

Cabinet

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| Held at: | Council Chamber - Civic Centre Folkestone |
| Date | Wednesday, 20 March 2024 |
| Present | Councillors Mike Blakemore, Polly Blakemore, Gary Fuller, Rich Holgate, Jim Martin (Chairman), Tim Prater (Vice-Chair), Stephen Scoffham, Rebecca Shoob and Jeremy Speakman. |
| Apologies for Absence | None. |
| Officers Present: | Michael Bailey (Tenant Engagement & Wellbeing Senior Specialist), Andy Blaszkowicz (Director of Housing and Operations), Gavin Edwards (Senior Performance Officer), Jonathan Hicks (Governance, Performance & Risk Manager), Ola Owolabi (Chief Financial Services Officer) and Susan Priest (Chief Executive) and Jake Hamilton (Committee Services Officer). |
| Others Present: | Councillor James Butcher (Opportuniras Chair). |

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is 5 April 2024 at 5pm. Decisions not called in may be implemented on 8 April 2024.

89. **Declarations of Interest**

Councillor Gary Fuller declared a voluntary interest as a tenant of Folkestone & Hythe District Council.

90. **Minutes**

The minutes of the meeting held on 28 February 2024 were submitted, approved, and signed by the Leader.

91. **Quarter 3 Performance Report 2023-24**

The report provided an update on the Council's performance for the third quarter of the year covering 1st October – 31st December 2023. The report

enabled the Council to assess progress against the approved key performance indicators arising from the Council's new Corporate Action Plan. Key performance indicators will be monitored during 2023-24 and reported to Members quarterly.

Proposed by Councillor Tim Prater,
Seconded by Councillor Gary Fuller; and,

RESOLVED:

1. **That report C/23/92 be received and noted.**
2. **That the performance information for Quarter 3 2023-24 in Appendix 1 of the report be noted.**

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

- a. The Council is committed to monitoring performance across all of its corporate service ambitions to ensure progress and improvement is maintained.
- b. The Council needs to ensure that performance is measured, monitored and the results are used to identify where things are working well and where there are failings and appropriate action needs to be taken.

92. **2022-23 Annual Equality Report**

The Equality Act 2010 places a statutory duty on the council to prepare and publish information annually to demonstrate compliance with the Public Sector Equality Duty. The draft Equality & Diversity Annual Report is therefore presented for consideration and approval prior to publication.

Proposed by Councillor Mike Blakemore,
Seconded by Councillor Jim Martin; and,

RESOLVED:

1. **That report C/23/95 be received and noted.**
2. **That the draft Equality & Diversity Annual Report outlined in Appendix 1 of the report be noted.**

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

The council needs to ensure that it meets the statutory requirements of the Public Sector Equality Duty. The report demonstrated the council's commitment to positively contributing to the advancement of equality and good relations, summarises the activities undertaken in 2022-23 to promote equality, diversity,

and inclusion, and highlights the positive measures that have been taken to remove barriers, improve access to services, and increase customer satisfaction.

93. **Oportunitas Limited - Progress report 2023/24 to 31 January 2024**

The report provided an update from the Board of Oportunitas Ltd (“the company”) on activities undertaken so far during the 2023/24 financial year, including a projected outturn for the profit and loss account for the period to 31 March 2024 compared to the original forecast, based on activity to 31 January 2024. The report is in-line with the requirement contained in the Shareholder’s Agreement between the company and the Council. The chair of Oportunitas was available at the meeting of Cabinet to present the report and to address any questions.

Proposed by Councillor Jim Martin,
Seconded by Councillor Stephen Scoffham; and,

RESOLVED:

1. **That report C/23/97 be received and noted.**
2. **That the latest projected outturn for the Profit and Loss Account of Oportunitas Limited for the financial year ending 31 March 2024 be noted.**

(Voting figures: 9 for, 0 against, 0 abstentions).

REASON FOR DECISION:

Cabinet is asked to agree the recommendations because Oportunitas Ltd (“the company”) is required to provide regular updates to Cabinet as set out in the Shareholder’s Agreement between the company and the Council.

The Chair of the Board of Oportunitas made reference to the ongoing financial review of the company and that this would be used to inform the new business plan which will be presented to Cabinet in May 2024.

Members discussed the importance of providing high quality rented accommodation to the private market in Folkestone and Hythe District. Further discussion took place and Members agreed that the strategic direction of the company should focus upon, the Council being an exemplar landlord, ensuring a business model that delivers full cost recovery and medium term capital growth.

94. **Housing Compliance Policies - Legionella and Lift Safety**

The report presented two policies in relation to health and safety compliance for the Council’s housing landlord service. These were, specifically the Housing Compliance (Legionella) Policy and the Housing Compliance (Lift Safety) Policy.

Proposed by Councillor Rebecca Shoob,
Seconded by Councillor Jim Martin; and,

RESOLVED:

1. **That report C/23/94 be received and noted.**
2. **That the proposed changes to the Council's Housing Compliance (Legionella and Lift Safety) Policies outlined in the report and in the appended track-changed documents be approved.**

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION

Cabinet is asked to agree the recommendations because: -

- c. There have been changes in legislation and best practice since the policies were introduced in 2021. Cabinet needs to be made aware of these changes and the policies updated.
- d. The policies will expire in April 2024 and therefore require updating/renewing to ensure the Council is fully compliant with health and safety legislation.

95. **Tenant Engagement Strategy 2024-30**

The Council's current Tenant Engagement Strategy expires in April 2024, and officers have therefore prepared an updated version to reflect changes in policy and legislation, and to ensure compliance with the Regulator of Social Housing's Transparency, Influence & Accountability Standard which comes into effect in April 2024. The Strategic Tenant Advisory Panel has been consulted on the updated strategy and Cabinet is therefore being asked to approve it.

Proposed by Councillor Rebecca Shoob,
Seconded by Councillor Jim Martin; and,

RESOLVED:

1. **That report C/23/91 be received and noted.**
2. **That the updated Tenant Engagement Strategy 2024-2030 attached as Appendix 1 be approved.**

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations because the Regulator of Social Housing's Transparency, Influence and Accountability Standard requires the council as a social housing landlord to give tenants a wide range of

meaningful opportunities to influence and scrutinise strategies, policies and services.

96. **Disposal of property - Stour Bank, Stone Street, Stanford South, Kent, TN25 6DE**

The report sought permission from Cabinet to dispose of the property Stour Bank, Stone Street, Stanford South, TN25 6DE, recommending that the disposal is carried out immediately to provide a capital receipt to the council for the financial year 2024/25.

Proposed by Councillor Jim Martin,
Seconded by Councillor Tim Prater; and,

RESOLVED:

1. **That report C/23/93 be received and noted.**
2. **That the Director – Housing & Operations be authorised to proceed with the disposal of the property Stour Bank, Stone Street, Stanford South, TN25 6DE and achieve best value for the Council.**
3. **That delegated authority be given to the Director - Housing and Operations to agree the commercial terms for the disposal of the property and to facilitate the transaction through to completion.**

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

The property known as Stour Bank, Stone Street, TN25 6DE was purchased during the land assembly phase for the Otterpool Park project. The property has been rented out since its acquisition in 2020. The property is now vacant, and Officers have explored options for the future of the property and recommend that it is sold to provide a capital receipt for the Council.

97. **Highview, Moat Farm Road, Folkestone, CT19 5DJ: Update on Proposed Sale, Land Matters, and revision to Unilateral Undertaking**

In February 2023 Cabinet (Cabinet report C/22/94) resolved to ask officers to investigate alternative delivery options which included a potential disposal to a 3rd party with the benefit of planning consent. The report informs Members of the progress made since the previous report C/22/94 and seeks to obtain approval to proceed with the sale to the preferred bidder following a marketing exercise undertaken in November 2023. A further decision is also required to approve an amendment to the Unilateral Undertaking, and vary the scheme to be policy compliant, as approved by planning committee on the 7th of November 2023 (planning reference number 23/1641/FH) for 22% affordable homes.

Proposed by Councillor Rebecca Shoob,

Seconded by Councillor Jim Martin; and,

RESOLVED:

1. That report C/23/98 be received and noted.
2. That the work carried out following approval of Cabinet report C/22/94 be noted.
3. That the Director for Housing and Operations be given delegated authority to accept the offer from the preferred bidder and to progress all land matters including the disposal process through to completion.
4. That the acquisition of the PROW land with KCC be approved.
5. That Folkestone and Hythe District Council entering into a revised overage agreement with KCC be approved.
6. That the amendment to the Unilateral Undertaking which varies the scheme to a policy compliant level of affordable housing, as conditionally approved by Planning and Licensing Committee held on 7th November 2023, be accepted.

(Voting figures: 9 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

The offer is the most financially beneficial offer following the marketing exercise. This offer, alongside the BLRF grant, allows the best opportunity to recover as much of the costs spent to date on the scheme. Additionally, the preferred bidder is a reputable local developer, with a track record of delivering high quality homes within the district. This supports F&H DC's local economic development and local procurement objectives. Market conditions that would have allowed for direct delivery of the scheme by F&H DC have not improved since cabinet considered report C/22/94, leaving F&H DC with little option other than delivering the site via disposal to a contracted party.

The reason for the recommendation to approve an amendment to the Unilateral Undertaking is to ensure the proposals can revert to a policy compliant scheme that is attractive to the market, as private developers have indicated through recent market testing that they are unwilling to build out a 100% affordable scheme.

The reason for the recommendation to approve the Private Right of Way (PROW) acquisition is to ensure the planning consent is implementable, as the PROW is within the planning application redline but not currently in the development and title plan redline. Regularising this matter will support efficient delivery of the scheme.

Officers are also seeking approval to enter into the Planning Overage Agreement as this will replace the current Turn Overage Agreement which is prohibitive and a barrier to Developers purchasing and developing the site.