

Cabinet

Held at: Council Chamber - Civic Centre Folkestone

Date: Wednesday, 13 March 2019

Present: Councillors Mrs Ann Berry, John Collier,
Malcolm Dearden, Alan Ewart-James, David Godfrey,
Mrs Jennifer Hollingsbee, Rory Love, David Monk,
Dick Pascoe and *Stuart Peall

(* for part of the meeting).

Officers Present: Paul Butler (Elections Manager), Gavin Edwards (Policy and Improvements Officer), Adrian Hammond (Housing Strategy Manager), Mrs Jess Harman (Community Projects Manager), Katharine Harvey (Chief Economic Development Officer), John Bunnett (Corporate Director - Place and Commercial Services), Amandeep Khroud (Assistant Director), Jyotsna Leney (Community Services Manager), Tim Madden (Corporate Director - Customer, Support and Specialist Services), Susan Priest (Head of Paid Service), Sarah Robson (Assistant Director), Charlotte Spendley (Assistant Director) and Jemma West (Senior Committee Services Officer)

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is Friday 22 March 2019 at 5pm. Decisions not called in may be implemented on Monday 25 March 2019.

79. **Declarations of Interest**

There were no declarations of interest at this stage of the meeting.

However, during the consideration of the item relating to a Commercial Investment Opportunity, Councillor Mrs Hollingsbee made a voluntary declaration in that she used a dentist within the building which was referred to.

80. **Minutes**

The minutes of the meeting held on 13 and 20 February 2019 were submitted, approved and signed by the Chairman.

81. **Quarter 3 performance report 2018/19**

The report provided an update on the Council's performance for the third quarter of 2018/19, covering 1 October 2018 to 31 December 2018. The report enabled the Council to assess progress against the approved key performance indicators for each service area. Key Performance Indicators (KPIs) will be monitored during 2018/19 and reported to CLT and Members quarterly.

The report was also considered at the meeting of the Overview and Scrutiny Committee held on 12 March 2019. Their comments had been circulated to the Cabinet Members at the meeting.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

1. **That report C/18/80 be received and noted.**
2. **That the Council's performance information for Quarter 3, 2018/19 be noted.**
3. **That the updated Key Performance Indicators outlined in section 1.4 to monitor the Council's performance against its statutory duties under the Homelessness Reduction Act 2017 be approved.**

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

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations because:

- a) The Council is committed to monitoring performance across all of its service areas 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 services are working well and where there are failings and appropriate action needs to be taken.

82. **General Fund Revenue Budget Monitoring 2018/19 (3rd quarter)**

The monitoring report provided a projection of the end of year financial position of the General Fund revenue budget, based on expenditure to the 31 December 2018.

The report was also considered at the meeting of the Overview and Scrutiny Committee held on 12 March 2019. Their comments had been circulated to the Cabinet Members at the meeting.

Proposed by Councillor Dearden,
Seconded by Councillor Ewart-James; and

RESOLVED:

That report C/18/83 be received and noted.

(Voting figures: 10 for, 0 against, 0 abstentions).

Prior to the vote on this item, Councillor Peall arrived at the meeting.

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations because it needed to be informed of the council's General Fund revenue budget position and take appropriate action to deal with any variance from the approved budget.

83. Housing Revenue Account Revenue and Capital Budget Monitoring 2018/19 (3rd quarter)

The monitoring report provided a projection of the end of year financial position for the Housing Revenue Account (HRA) revenue expenditure and HRA capital programme based on net expenditure to 31 December 2018.

The report was also considered at the meeting of the Overview and Scrutiny Committee held on 12 March 2019. Their comments had been circulated to the Cabinet Members at the meeting.

Proposed by Councillor Ewart-James,
Seconded by Councillor Dearden; and

RESOLVED:

That report C/18/82 be received and noted.

(Voting figures: 10 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations because Cabinet needed to be kept informed of the Housing Revenue Account position and take appropriate action to deal with any variance from the approved budget and be informed of the final 2018/19 position.

84. Housing Revenue Account Business Plan Update 2019 - 2049

The Council is required to produce a comprehensive Business Plan for its housing stock. The Business Plan is focused on improving the quality of the Council's landlord services and sets out the investment priorities for its existing Council housing stock. The document also provided details of the Council's new build and acquisition housing programme. In view of policy changes implemented by the Government in 2016, it was necessary to reduce the Council's target to deliver up to 300 homes over the next 10 years, to up to 200 homes over the next 10 years. Further Government Policy Changes announced in late 2018 and the financial position within the HRA, mean that the Council is once again able to increase its delivery target for new builds and the updated Business Plan is based on delivering up to 300 homes. The report also provided an update on the number of homes delivered to date through the programme and also on the number of sites currently in the pipeline.

The report was also considered at the meeting of the Overview and Scrutiny Committee held on 12 March 2019. Their comments had been circulated to the Cabinet Members at the meeting.

Proposed by Councillor Ewart-James,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

1. **That report C/18/77 be received and noted.**
2. **That the Council increase the number of homes delivered through its HRA new build and acquisition programme to up to 300 homes over the period to 2025/26 based on the updated Business Plan.**
3. **That the Cabinet Member for Housing should approve any necessary changes to the text of the HRA Business Plan as necessary due to this change in the new build and acquisition programme.**

(Voting figures: 10 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations because:

- a) The Council is required by Government to have a comprehensive Business Plan in place for its Housing Stock and other assets within the HRA.
- b) The Council is required to properly plan the repayment of its debt within the HRA. It is essential that it has an effective Business Plan to properly resource its HRA activity.
- c) The Government has announced a number of policy changes in relation to the HRA accounts held by local authorities. It is vital that the Council keeps its HRA Business Plan under ongoing review to ensure that it remains fit for purpose. These changes have significantly impacted on the scale of the Council's new build and housing acquisition programme.

85. District, Parish and Town Council Elections - Kent scale of election fees

The report set out changes to the Kent scale of election fees of Folkestone & Hythe's Returning Officer to undertake the arrangements for managing and conducting district, parish and town council elections from 1 April 2019.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

That report C/18/79 be received and noted.

(Voting figures: 10 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

The scale of fees enables a fair and reasonable recharge to be made by Folkestone & Hythe District Council to town and parish councils for their elections.

86. New Public Spaces Protection Order - Results of Consultation

On 14th November 2018, Cabinet agreed to consult the public on a proposal to introduce a new Public Spaces Protection Order (PSPO) as the current one is due to expire on 19th June 2019. The creation of bespoke PSPOs provides officers and partners (Kent Police) an additional tool on top of existing powers and legislation to help tackle specific issues of antisocial behaviour affecting parts of the District. PSPOs were brought in as part of a Government commitment to put victims at the centre of approaches to tackling anti-social behaviour (ASB), focusing on the impact behaviour can have on both communities and individuals, particularly on the most vulnerable.

The report summarised the results of the public consultation which shows that there is public support for all 7 measures. The report also provided an insight into the views of the public as well as the government's recommended position when implementing PSPOs. Members were asked to approve the new PSPO measures outlined in section 2.2.

The report was also considered at the meeting of the Overview and Scrutiny Committee held on 12 March 2019. Their comments had been circulated to the Cabinet Members at the meeting.

The Cabinet Member advised that there was a typographical error in recommendation B of the report, and the recommendation should read as follows:

"To agree the 7 measures set out in section 3 to form the basis of a new PSPO for relevant parts of the District".

Proposed by Councillor Mrs Hollingsbee,
Seconded by Councillor Godfrey; and

RESOLVED:

- a) **That report C/18/78 be received and noted.**
- b) **That the 7 measures set out in section 3 be agreed to form the basis of a new PSPO for relevant parts of the District.**
- c) **That the requirements for providing suitable protocols to support the implementation of the PSPO be agreed, and that Cabinet receive these together with a final revised Order for agreement in May 2019.**
- d) **That the performance measures around successful interventions as set out in section 4.8 of the report be noted.**
- e) **That where appropriate issues may be dealt with using education and/or prevention techniques, sign posting to services or using alternative, more effective legislation.**

(Voting figures: 10 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations set out below because:

- a) Support for introducing all 7 measures in a new PSPO can be demonstrated by the results of the public consultation process undertaken (section 2 of the report).
- b) The Local Government Association (LGA) guidance stated that where appropriate, education, prevention work, sign posting to support should be carried out first before any enforcement action and if action can be adequately and effectively dealt with using existing and alternative more effective legislation and tools and powers then this should be used. Public consultation has also advocated the use of alternative methods of control where appropriate, for example, management agreements for how a town centre precinct area is used to control street entertainment or a code of fundraising practices protocol, etc.
- c) Where the PSPO is used, it will be carefully framed and employed alongside other approaches as part of a broad and balanced ASB process. As part of the PSPO process, non-statutory solutions, delivered in partnership with community, charity or membership organisations can be equally valid in the right circumstances.
- d) The Council's Enforcement Policy promotes using education and other preventative interventions in the first instance, before enforcement sanctions are applied which should be an action of last resort.

87. Funding for 2019 Folkestone RAF Air Display

The report requested approval of £22,000 from the 2019/20 CLT Contingency Fund for a funding contribution to Folkestone Town Council towards the cost of an Air Display in Folkestone, as part of the Armed Forces Day celebrations.

Proposed by Councillor Collier,
Seconded by Councillor Dearden; and

RESOLVED:

1. That report C/18/81 be received and noted.
2. That a funding contribution of £22,000 towards the cost of an RAF Air Display in June 2019 be agreed.

(Voting figures: 10 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations because a funding contribution from the District Council was required for an RAF Air Display in June 2019.

88. Exclusion of the Public

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee; and

RESOLVED:

That the public be excluded for the following item of business on the grounds that it is likely to disclose exempt information, as defined in paragraph 3 of Part 1 of Schedule 12A to the Local Government Act 1972 – ‘Information relating to the financial or business affairs of any particular person (including the authority holding that information). “Financial or business affairs” includes contemplated as well as current activities.’

(Voting figures: 10 for, 0 against, 0 abstentions).

89. Investment opportunity

The report considered the opportunity to make an investment to the council's advantage.

During the consideration of this item, Councillor Mrs Hollingsbee made a voluntary declaration in that she attended a dentist within the building referred to in the report.

The Cabinet Members agreed for the addition of the words ‘subject to legal due diligence being carried out’ to recommendation two of the report.

Proposed by Councillor Monk,
Seconded by Councillor Peall; and

RESOLVED:

- 1. That report C/18/84 be received and noted.**
- 2. That it be recommended to Full Council that the Corporate Director – Place and Commercial, in agreement with the Leader of the Council and the Cabinet Member for Finance, be authorised to acquire the property described in the report, subject to legal due diligence being carried out, as an investment for the Council and on terms to the satisfaction of the Chief Finance Officer (Section 151 Officer).**
- 3. That it be recommended to Full Council that the principles for commercial investments as set out in paragraph 3.6 of the report be adopted.**
- 4. That it be recommended to Full Council that delegated authority be given to the Chief Finance Officer (Section 151 Officer) in consultation with the Cabinet Member for Finance to make the appropriate changes to the Investment Strategy, Medium Term Capital Programme, Treasury Management Strategy and Capital Strategy should the purchase be concluded.**

(Voting figures: 10 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet was asked to consider the recommendations in order to request Full Council to authorise the making of the investment described in the report.