

Cabinet

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 21 September 2022
Present	Councillors John Collier, Ray Field, David Godfrey, Mrs Jennifer Hollingsbee (Vice-Chair), David Monk (Chairman), Stuart Peall, Tim Prater and David Wimble
Apologies for Absence	Councillors Lesley Whybrow
Officers Present:	Rebecca Chittock (Planning Policy Specialist), Ewan Green (Director of Place), Amandeep Khroud (Assistant Director), Susan Priest (Chief Executive), Charlotte Spendley (Director of Corporate Services), Adrian Tofts (Strategy, Policy & Performance Lead Specialist), Lee Walker (Capital and Treasury Senior Specialist) and David Whittington (Strategy & Policy Senior Specialist)

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is Friday 30 September at 5pm. Decisions not called in may be implemented on Monday 3 October 2022.

21. **Declarations of Interest**

There were no declarations of interest at this point in the meeting. However, during the debate on the item relating to Lyminge Neighbourhood Area (Minute No 27), Councillor Mrs Hollingsbee made a voluntary declaration in that Lyminge fell within her ward.

22. **Minutes**

The minutes of the meeting held on 20 July 2022 were submitted, approved and signed by the Leader.

23. **Update to the General Fund Medium Term Capital Programme**

The report updated the General Fund Medium Term Capital Programme for changes which have occurred since the Council approved the budget on 10 February 2022. Changes to the Capital Programme, including updated Capital

Prudential Indicators, are required to be submitted to full Council for consideration and approval.

Proposed by Councillor Monk,
Seconded by Councillor Collier; and

RESOLVED:

1. **That report C/22/35 be received and noted.**
2. **That full Council approval be sought to update the General Fund Medium Term Capital Programme for the changes outlined in section 2 of the report.**
3. **That full Council approval be sought to update the Capital Prudential Indicators outlined in section 3 of the report.**

(Voting figures: *7 for, 0 against, 0 abstentions).

**Councillor Peall was not present at the meeting for the vote on this item.*

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations because:

- a) It needs to be kept informed of the General Fund Capital Programme position and take appropriate action to deal with any variance from the approved budget.
- b) Proposed changes to the General Fund Capital Programme need to be considered before being submitted to full Council for approval.

24. Treasury Management Annual Report 2021/22

The report reviewed the Council's treasury management activities for 2021/22, including the actual treasury management indicators. The report meets the requirements of both the CIPFA Code of Practice on Treasury Management and the CIPFA Prudential Code for Capital Finance in Local Authorities. The Council is required to comply with both Codes through Regulations issued under the Local Government Act 2003.

Proposed by Councillor Monk,
Seconded by Councillor Collier; and

RESOLVED:

1. **That report C/22/36 be received and noted.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations because:-

- a) Both CIPFA's Code of Practice on Treasury Management in the Public Services and their Prudential Code for Capital Finance in Local Authorities, together with the Council's Financial Procedure Rules,

require that an annual report on treasury management is received by the Council after the close of the financial year.

25. **Regulation of Investigatory Powers Act 2000 - Policy**

The report set out the Council's policy on the use of directed surveillance and covert human intelligence sources under the Regulation of Investigatory Powers Act 2000.

Proposed by Councillor Field,
Seconded by Councillor Wimble; and

RESOLVED:

1. **That report C/22/37 be received and noted.**
2. **That the RIPA policy and procedure in appendix 1 to this report be endorsed.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASON FOR DECISION:

The Cabinet was asked to agree the recommendations to endorse the policy.

26. **Draft Statement of Community Involvement (SCI) Update**

The purpose of the report is to inform Cabinet of the work being carried out to update the current Statement of Community Involvement (2015) and to ask for Cabinet approval to consult on the attached draft document.

Proposed by Councillor Monk,
Seconded by Councillor Mrs Hollingsbee;

RESOLVED:

1. **That report C/22/33 be received and noted.**
2. **That Cabinet supports work carried out to update the SCI, including a public consultation.**
3. **That the draft SCI (Appendix 1) be approved for consultation, subject to any amendments that Cabinet considers necessary.**
4. **That delegated authority be given to the Interim Assistant Director of Corporate Services, in consultation with the Leader of the Council, to make any amendments identified by Cabinet under Recommendation 3 of the report.**

(Voting figure: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet approval is required in order for the council to consult on the draft SCI presented in Appendix 1, or as amended by Cabinet, to set out the council's commitment to engaging with the community on planning decisions affecting them.

27. Lyminge Neighbourhood Area

Lyminge Parish Council has submitted a 'neighbourhood area' application, the first stage in producing a neighbourhood development plan. As the proposed area is the same as the parish boundary, the District Council must now designate it.

During the debate on this item, Councillor Mrs Hollingbee made a voluntary declaration in that Lyminge fell within her ward.

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

RESOLVED:

- 1. That report C/22/34 be received and noted.**
- 2. That the Lyminge Neighbourhood Area be designated.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Regulation 5A of the Neighbourhood Planning (General) Regulations 2012 (as amended) indicates that if the local planning authority receives an area application from a parish council that consists of the whole of the parish council's area, then it must exercise its powers under section 61G of the Town and Country Planning Act 1990 (as amended) to designate the specified area as a neighbourhood area.

28. Ship Street Development - Next steps

Prior to the debate on this item, the meeting was adjourned for a short period.

The report updated Members on the work that has been undertaken since the acquisition of the former gas works site at Ship Street, East Folkestone, and seeks authority to proceed with the next steps to deliver a mixed tenure housing led development.

Proposed by Councillor Godfrey,
Seconded by Councillor Collier; and

RESOLVED:

- 1. That report C/22/38 be received and noted.**
- 2. That the works carried out to date be noted.**

3. That the funding agreed with Homes England, Market, Partners and Places (MPP) Resource Funding to assist with the master planning of the scheme be noted.
4. That it be noted that officers have applied for grant funding from One Public Estate (Brown Field Land Remediation Fund) and may seek further funding from Homes England's Infrastructure Delivery Fund and the Affordable Homes Fund.
5. That delegated authority be provided to the Director, Housing & Operations in consultation with the Leader of the Council, the Cabinet Member for Housing & Special Projects and the Cabinet Member for Property Management and Grounds Maintenance to negotiate and agree to receive Homes England's Affordable Homes grants, Infrastructure Delivery Grant and One Public Estates Brownfield Land Remediation Fund to support the remediation of the land.
6. That it be noted that officers will procure and evaluate tenders from the Homes England Multi-Disciplinary framework for a Design led team to develop the design of the scheme to RIBA stage 3 (and submit a planning application).
7. That delegated authority be provided to the Director, Housing & Operations in consultation with the Leader of the Council, the Cabinet Member for Housing & Special Projects and the Cabinet Member for Property Management and Grounds Maintenance to award the contract to the winning tenderer for the scheme design and planning submission.
8. That Officers submit a report to Full Council requesting an additional £350K to supplement the existing capital budget of £230k to be met from capital receipts, together with the £60K received from Homes England, to pay the professional fees associated with the scheme design and planning application and submission.
9. That a further report on the proposed development of the site be brought back to Cabinet after planning permission has been granted.

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet formally approved the purchase of the Ship Street site in October 2019 (report no. C/19/30). The purchase was concluded in March 2021. Since then, a number of activities have taken place to further understand the site and the views of the local community and stakeholders. The report set out details of the evolving brief and next steps to bring forward the Housing led regeneration of the site and sought Cabinet authority to proceed.