

## Cabinet

Held at:	Remote Meeting .
Date	Wednesday, 27 May 2020
Present	Councillors John Collier, Ray Field, David Godfrey, Mrs Jennifer Hollingsbee (Vice-Chair), David Monk (Chairman), Stuart Peall, Tim Prater, Lesley Whybrow and David Wimble
Apologies for Absence	None.
Officers Present:	Tim Bailey (Planning Policy Specialist), Andy Blaszkowicz (Director of Housing and Operations), Kate Clark (Case Officer - Committee Services), Ewan Green (Director of Place), Adrian Hammond (Housing Strategy Manager), Andy Jarrett (Chief Strategic Development Officer), John Bunnett (Development Director), Amandeep Khroud (Assistant Director), Tim Madden (Director of Transformation and Transition), Steve Makin (ICT Contracts Officer), Susan Priest (Chief Executive), Charlotte Spendley (Director of Corporate Services), Adrian Tofts (Strategy, Policy & Performance Lead Specialist) and Jemma West (Committee Service Specialist)

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is Friday 5 June at 5pm. Decisions not called in may be implemented on Monday 8 June 2020.

### 1. **Declarations of Interest**

There were no declarations at this point in the meeting. However, during the consideration of the item 'Otterpool Park LLP – Structuring and Initial Activities', Councillor Mrs Hollingsbee made a declaration of pecuniary interest (DPI), and did not take part in the debate or vote on the item.

### 2. **Minutes**

The minutes of the meeting held on 19 February 2020 were submitted, approved and signed by the Chairman.

**3. Report by the Local Government and Social Care Ombudsman - Complaint Investigation, January 2020**

The report set out details of an investigation completed by the Local Government and Social Care Ombudsman (Ombudsman) about the lack of support that Mr X alleges he received from the Council when he and his family approached the Council for housing assistance.

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

**RESOLVED:**

- 1. That report C/20/01 be received and noted.**
- 2. That the Council accepts the findings set out in the Ombudsman's report and takes the action required.**

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

**REASONS FOR DECISION**

- a) Officers have fully reviewed the timescale of this case and the assistance provided to Mr X.
- b) In response to the Ombudsman's report, officers have reviewed its Homelessness and Housing Waiting List Services, including the support given to Mr X throughout his contact with the Council.
- c) The Council is drafting a further factsheet for clients, which will be available both online and front of house, advising clients on the role of the Council and clients in the completion of a Housing Options Appraisal.
- d) The Council's Cabinet is required to consider the Ombudsman's report and is required to confirm the action it has taken or proposes to take to the Ombudsman.
- e) The Council is required to accept the findings set out in the Ombudsman's report.

**4. East Kent Housing - Single System**

The report gave the background as to the transition of the East Kent Housing Northgate IT system and the approach adopted for this system when the Housing service returns to be delivered by the Council. The report sets out the issues with the system, the approach being adopted and authorization to identify sums to progress the project.

Proposed by Councillor Godfrey,  
Seconded by Councillor Collier; and

**RESOLVED:**

- 1. That Report C/20/06 be deferred for further investigation.**

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

**REASONS FOR DECISION:**

Cabinet raised concerns about the costs involved, and requested that an external analyst be consulted, and seek to negotiate further savings.

**5. Local Development Scheme Update**

Local Planning Authorities (LPAs) are required to prepare and maintain a Local Development Scheme (LDS) under Section 15 of the Planning and Compulsory Purchase Act 2004, as amended by the Localism Act 2011 and the Housing and Planning Act 2016.

The report sought approval for the updated Local Development Scheme for 2020-2023.

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

**RESOLVED:**

- 1. That report C/20/03 be received and noted.**
- 2. That the Local Development Scheme, which is to have immediate effect, be approved.**
- 3. That delegated authority be given to the Strategy, Policy and Performance Lead Specialist to make and approve any final changes to the wording and content of the Local Development Scheme following adoption of the Places and Policies Local Plan, and to publish the Local Development Scheme on the Council's website.**

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

**REASONS FOR DECISION:**

To ensure that the council have an up-to-date Local Development Scheme for the Core Strategy Review Examination in Public.

**6. Otterpool Park LLP - Structuring and Initial Activities**

The report made recommendations regarding the corporate structuring and initial activities of Otterpool Park LLP (the "Delivery Vehicle"), the Council's delivery vehicle in relation to the development of the Otterpool Park garden town (the "Project").

Prior to consideration of this report, Councillor Mrs Hollingsbee made a declaration of pecuniary interest (DPI) and did not participate in the debate, or the vote.

Proposed by Councillor Monk,  
Seconded by Councillor Wimble; and

**RESOLVED:**

- 1. That report C/20/02 be received and noted.**

- 2. That the Members' Agreement for the Delivery Vehicle, including the delegations matrix (the "Delegations Matrix") in schedule 3 of the agreement (the "Members' Agreement") set out in Appendix 2 be approved, with the Assistant Director of Governance & Law being authorised to make any minor drafting adjustments in finalising the document.**
- 3. That the Council's representative at the Members' Meetings be the Leader of the Council and the Nominee Company's representative be the Director of Place.**
- 4. To continue the appointments to the board of the Delivery Vehicle of John Bunnett, Director of Development, and Andy Jarrett, Chief Strategic Development Officer, for another six months, subject to re-appointment on the appointment of the full board.**
- 5. That the full board consist of additionally two Councillors appointed by the Leader of the Council as soon as practicable, the remuneration for these appointments being the equivalent to, and being treated as a Cabinet Member Special Responsibility Allowance, and three independent non – executive directors, again appointed as soon as practicable within the next six months.**
- 6. That the specification for the independent non – executive directors set out in appendix 3 be approved and that the remuneration be set at £10,000 pa.**
- 7. That an appointment of the Director of Place as the replacement sole director to the board of the Nominee Company be approved.**
- 8. That the entering into of service level agreements(s) between the Council and the Delivery Vehicle for the provision of services (including staff) by the Council to the Delivery Vehicle to support the Delivery Vehicle's initial activities described in this report be approved.**
- 9. To approve the Delivery Vehicle becoming the applicant for the outline planning application for Otterpool Park (reference Y19/0257/FH) and any subsequent planning application for the Project (the "Planning Application").**
- 10. That the provision by the Council of initial capital of £1.25m to the Delivery Vehicle to support the Delivery Vehicle's initial activities be approved.**
- 11. That the entering into of a loan facility between the Council and the Delivery Vehicle or the provision of Members' Equity, or a combination of these two methods of finance, for the provision by the Council of initial capital of £1.25m to the Delivery Vehicle to support the Delivery Vehicle's initial activities be approved.**
- 12. That the Council will provide any reasonable and necessary undertakings in order to enable the Delivery Vehicle to demonstrate to third parties an ability to meet contractual obligations properly entered into relation to its initial activities.**
- 13. That the Delivery Vehicle's business plan (the "Business Plan") is presented to Cabinet for approval in due course, and in accordance with the process set out in its Members' Agreement, prior to any further recommendations being put to Cabinet regarding the subsequent funding requirements of the Delivery Vehicle beyond its initial activities.**

- 14. That the Delivery Vehicle be properly licensed in due course to use the intellectual property that the Council has registered in relation to Otterpool Park.**

(Voting figures: 6 for, 2 against, 0 abstentions).

**REASONS FOR DECISION:**

Cabinet was asked to agree the recommendations on the basis that:

1. The Delivery Vehicle will deliver the Council's objectives for the Otterpool Park garden town.
2. Appointments need to be made to the boards of both the Delivery Vehicle and Otterpool Park Development Company Ltd (the "Nominee Company"), the private limited company (itself wholly-owned by the Council) which is the other corporate member of the Delivery Vehicle alongside the Council.
3. The Delivery Vehicle's initial activities need to be progressed in a timely way to prepare for the forthcoming Local Plan Examination in Public.
4. The Delivery Vehicles' initial working capital requirements need to be approved.