

Cabinet

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 20 July 2022
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.
Officers Present:	Andy Blaszkowicz (Director of Housing and Operations), James Clapson (Case Officer (Committee)), Gavin Edwards (Performance and Improvement Specialist), James Hammond (Strategic Policy Officer), Andrew Hatcher (Revenues and Benefits Strategic Manager), Amandeep Khroud (Assistant Director), Rod Lean (Chief Officer - Place & Growth), Susan Priest (Chief Executive), Andrew Rush (Chief Officer Place & Regulatory Services), Charlotte Spendley (Director of Corporate Services), Adrian Tofts (Strategy, Policy & Performance Lead Specialist) and Jemma West (Committee Service Specialist).
Others Present:	Councillor Rolfe.

NOTE: All decisions (except for the decision at Minute No 16 - Household Support Fund, which is exempt under paragraph 7 (call-in and urgency) of Part 7 (Overview and Scrutiny Rules and Procedures) of the constitution) are subject to call-in arrangements. The deadline for call-in is Friday 29 July at 5pm. Decisions not called in may be implemented on Monday 1 August 2022.

10. **Declarations of Interest**

There were no declarations of interest at the meeting.

11. **Minutes**

The minutes of the meeting held on 16 June 2022 were submitted, approved, and signed by the Leader.

12. **Annual Performance Report 2021/22 and Draft KPIs 2022/23**

The report set out how the Council has delivered for local people in the district in 2021-22 in relation to the priorities documented within its Corporate Plan 'Creating Tomorrow Together' (2021-30) and presents amendments to Key Performance Indicators (KPIs) that will be used to monitor progress during the 2022-23 year. The report had been considered by the Finance and Performance Scrutiny Sub-Committee at their meeting held on 14 June 2022.

Cabinet Members requested the introduction of two further KPIs relating to the number of calls answered, by month, and the number of calls answered within one minute. It was agreed that officers be asked to investigate whether this was possible and report back to a future meeting.

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

RESOLVED:

1. That report C/22/23 be received and noted.
2. That the 2021/22 Annual Performance Report set out in appendix 1 of the report be noted.
3. That the end of year performance data for the 2021/22 year set out in appendix 2 of the report be noted.
4. That the proposed amendments to KPIs for monitoring during the 2022-23 year set out in appendix 3 of the report be approved.
5. That the introduction of an amber target status within performance reporting for 2022-23 year on results that fall within a threshold of 5% of their agreed target, be approved.

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

REASONS FOR DECISION:

- a) The Council is committed to monitoring performance across all 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.

13. Oportunitas Progress Report 2022 (to 31 March 2022)

The report provided an update from the Board of Oportunitas Ltd ("the company") on its provisional financial outturn and activities undertaken for the financial year ending 31 March 2022 and is in-line with the requirement contained in the Shareholder's Agreement between the company and the Council. The Chairman of Oportunitas was in attendance at the meeting to present the report and address any questions.

Proposed by Councillor Wimble,
Seconded by Councillor Godfrey; and

RESOLVED:

1. That report C/22/22 be received and noted.
2. That the provisional financial outturn for Oportunitas Ltd for the period from 1 April 2021 to 31 March 2022 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.

14. Update to the Flexible Use of Capital Receipts Policy

The report sought Council approval regarding the Flexible Use of Capital Receipts Strategy for 2022/23 in accordance with the Department for Levelling Up, Housing and Communities latest guidance.

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

RESOLVED:

1. That report C/22/21 be received and noted.
2. To recommend to Full Council that the Flexible Use of Capital Receipts Strategy for 2022/23 be approved.

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

REASONS FOR DECISION:

The Council is required to approve a strategy for each year it intends to apply the Flexible Use of Capital Receipts guidance which outlines how it intends to use these receipts to meet relevant expenditure and the impact this will have on the Prudential Indicators for capital expenditure.

15. Welfare report and Overview 2021/22

The report gave an overview of the work of the Folkestone & Hythe District Council (FHDC) Welfare and Compliance & Development Teams for the year 2021/22, covering additional support offered to residents on top of standard Housing Benefit and Council Tax Reduction support.

A Member asked for clarity around data protection. Following the meeting, the Revenues and Benefits Lead Specialist provided the response below:

“In terms of the PIP tool, data is anonymised for the profiling work and only the Council can drill down and access personal details which are held for Council Tax and Benefits purposes. There is a data share agreement in place and this system is used all across Kent in collaboration with KCC. There is also a data processing notice on our forms, an example is given below:

By law, we may check information you have provided, or information provided about you by someone else, against other information we already have. We may also ask other agencies, organisations, local authorities or government departments to give us information they have about you. This is to:

- make sure the information is accurate*
- prevent or detect crime, and*
- protect public funds*

These third parties include other departments, organisations, government departments, local authorities and private sector companies such as banks and organisations that may lend you money.

To view the councils full privacy policy please [<https://www.folkestone-hythe.gov.uk/article/25/Privacy-Policy>click here]

For further information on how we may share information with Kent County Council please see the [<https://www.kent.gov.uk/about-the-council/information-and-data/access-to-information/gdpr-privacy-notice/finance-and-procurement/the-kent-intelligence-network-privacy-noticeKIN-privacy-notice>]

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

RESOLVED:

- 1. That report C/22/19 be received and noted.**

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

REASONS FOR DECISION:

The Cabinet were invited to note a review of work carried out by Folkestone & Hythe District Council in 2021/22.

16. Household Support Fund

The report presented the policy of allocating and managing the Household Support Fund funding received from Kent County Council (KCC).

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

RESOLVED:

- 1. That report C/22/18 be received and noted.**
- 2. That the Council's Household Support Fund Policy be approved and adopted.**

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

REASONS FOR DECISION:

Cabinet were asked to consider the proposed policy in order to support residents with Household Support Payments under Government and KCC recommendations.

17. **Community Infrastructure Levy Charging Schedule Review**

Folkestone & Hythe District Council ('the Council') adopted a Community Infrastructure Levy (CIL) in August 2016 and has collected receipts from liable development since this time. The Regulation 18 Core Strategy Review highlighted that the council would seek to amend its CIL Charging Schedule to consider the exemption of the proposed North Downs Garden Settlement from CIL to maximise the developer contributions secured through Section 106 and Section 278 legal agreements.

The Council adopted the Core Strategy Review (CSR) in March 2022, and so it is timely that the Council now seeks to amend the adopted CIL Charging Schedule to bring it 'in step' with the adopted Core Strategy Review.

Proposed by Councillor Monk,
Seconded by Councillor Wimble; and

RESOLVED:

1. **That report C/22/20 be received and noted.**
2. **That the Council accepts the proposed Community Infrastructure Levy (CIL) Draft Revised Charging Schedule report and, subject to agreed changes:**
 - (a) **That the Senior Planning Policy Specialist be authorised, in consultation with the Leader of the Council, to make minor changes and corrections to the Draft Charging Schedule and associated documents that may be necessary, prior to public consultation.**
 - (b) **That the Community Infrastructure Levy Draft Charging Schedule and supporting documents (Viability Study, Infrastructure Planning and Funding Gap Report, Infrastructure Delivery Plan Schedule, Statement of the Representations Procedure) be published for consultation for a period of four weeks, and thereafter,**
 - (c) **that the Senior Planning Policy Specialist, in consultation with the Leader of the Council be authorised to submit the Community Infrastructure Levy Draft Charging Schedule and supporting documents and evidence, together with the Consultation Statement and summary of consultation responses received, to the appointed external examiner for independent examination in accordance with the CIL Regulations 2010 (as amended).**

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

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations so that a draft CIL Charging Schedule can be published for public consultation and that, following any necessary changes as a result of consultation responses, the draft CIL Charging Schedule can be formally submitted for independent examination.

18. UK Shared Prosperity Fund

The report presented an overview of the Governments UK Shared Prosperity Fund (UKSPF) and details the allocation the Council will receive. The report outlined a recommended approach for use of the funding through submission of an Investment Plan to Government and seeks agreement for the delivery of the programme.

Councillor Whybrow asked it to be noted that although she was happy to support the recommendations, she did not consider nuclear technology to be a green skill.

Proposed by Councillor Wimble,
Seconded by Councillor Peall; and

RESOLVED:

- 1. That report C/22/25 be received and noted.**
- 2. That the UKSPF prospectus and funding allocated to FHDC be noted.**
- 3. That the £1m UK Shared Prosperity Fund grant and related £20,000 development grant be accepted and agreed.**
- 4. That the basis for the Investment Plan be agreed, as outlined in section 4 of the report.**
- 5. That a Local Partnership Group be established as outlined section 6 of the report.**
- 6. That Cabinet be advised of the outcome of the submission of the Investment Plan to Government in due course.**
- 7. That delegate authority be given to the Director of Place, in consultation with the Leader of the Council, to take the necessary decisions and actions required to finalise the Investment Plan and to implement and administer the programme.**
- 8. That the delivery of the Investment Plan will be reported in the Quarterly Performance Report to Cabinet.**

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

REASON FOR DECISION:

Cabinet agreement was required to accept the UK Shared Prosperity Fund grant allocation and to agree the basis of the related Investment Plan which will guide use of the funding.

19. Exclusion of the Public

The Leader advised that a representation had been received from a member of the public requesting that the Cabinet consider the item relating to the Variation of the Leisure Operator Agreement in public.

During consideration of the matter, a discussion took place, and the Chief Executive stated that Cabinet Members had been issued with advice as to why the matter was commercially sensitive, and the importance of protecting commercially sensitive matters during contract negotiations.

Proposed by Councillor Monk,
Seconded by Councillor Peall; 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: 7 for, 2 against, 0 abstentions).

20. **Variation to the Leisure Operator Agreement**

The outcome of leisure operator tender was reported to Cabinet in January 2022 and following the decision the contract was subsequently awarded. Since the tender bids were submitted and the contract award was approved, there have been national contextual changes that have impacted on the drafting of the contract, notably the recent significant increases in utility costs. The report provided an update and set out the proposed revised terms.

Proposed by Councillor Monk,
Seconded by Councillor Godfrey; and

RESOLVED:

- 1. That report C/22/24 be received and noted.**
- 2. To agree the revised terms as outlined in report C/22/24.**

(Voting figures: 7 for, 1 against, 1 abstentions).

Councillor Prater asked for it to be recorded that he voted against the recommendations.

REASONS FOR DECISION:

The proposed revisions to the agreement are in response to national changes in circumstances unforeseen when the tender was first presented. Re-tendering will not alter the position with regards to the utility tariff risk.