

Minutes

Cabinet

Held at:	Civic Centre, Castle Hill Avenue, Folkestone
Date:	29 July 2009
Present:	Councillor R H C Bliss (in the chair) and Councillors H A Barker, Mrs K T Belcourt, M J Dearden, R C Love, D D Monk, W L Richardson and Mrs C J Waters.
Apologies for Absence:	Councillor Miss P J Carr.
Officers Present	Alistair Stewart, Chief Executive; Kathryn Beldon, Corporate Director; Keith Cane, Corporate Director; Wendy Head, Corporate Director; Roger Walton, Head of Environmental Services (minutes 19 – 31 only), Dave Shore, Planning Policy and Economic Development Manager (minutes 19 – 23 only); Bob Porter, Housing Services Manager; Ed Elcock, Head of Community Safety & Regulatory Control (minutes 19 – 27 only); Jeremy Chambers, Monitoring Officer and Lorraine Burley, Committee Services Manager.

NOTE: All decisions are subject to call-in arrangements with the **exception of Decision Numbers 09/014, 09/023 and 09/025 which are resolved to recommend to Council**. The deadline for call-in is Monday 10 August 2009 at 5.00pm. Decisions not called in may be implemented on Tuesday 11 August 2009.

19. DECLARATIONS OF INTEREST

Councillor H A Barker declared a prejudicial interest in Minute 27 and left the meeting when the matter was discussed.

20. MINUTES

The minutes of the meeting held on 17 June 2009 were submitted, approved as a correct record and signed by the Chairman.

21. **INSPIRING COMMUNITIES GRANT APPLICATION – DECISION NUMBER 09/016**

The Inspiring Communities grant was launched on 8 April 2009 and is broadly aimed at neighbourhood partnerships who will work to improve the aspirations and educational attainments of young people aged 11 - 14 years. Shepway was eligible to apply for this grant and did so by the deadline of 3 June 2009. The timescale for the application was incredibly short and therefore insufficient time for a report to go to Cabinet before an application was submitted. **REPORT C/09/18** therefore sets out a summary of the bid and asks for Cabinet to support it.

RESOLVED:

1. **To receive and note Report C/09/18.**
2. **To support the bid to the Inspiring Communities Grant.**

REASONS FOR RESOLUTIONS:

- a) *It will support people in deprived communities to develop activities designed to raise the achievements of young people, broaden their horizons and build self esteem;*
- b) *It will support and strengthen the work of East Folkestone Together;*
- c) *It will contribute towards the Council's Strategic Objectives of Serving customers and the community and Creating places where people want to live and work.*

22. **CHERITON RECREATION AREA: VEOLIA FUNDING BID – DECISION NUMBER 09/017**

REPORT C/09/19 recommends the retrospective endorsement of a bid for funding from the Veolia Environmental Trust towards improving play provision at the Cheriton Recreation Area, in line with the Council's play strategy 2007-2012, Planning for Play.

RESOLVED:

1. **To receive and note Report C/09/19.**
2. **To endorse the application made to Veolia for funding to improve Cheriton recreation area.**

REASONS FOR RESOLUTIONS:

- a) *Additional funding could be secured to enhance a project already in progress, and therefore improve the quality and scope of the scheme*
- b) *In late April it became apparent that a bid could be made but the deadline for bids was 8 May and therefore a Cabinet report could not be prepared in advance of the deadline*

- c) *Cabinet is required to approve any application for external funding above £10,000*

23. EAST KENT SUSTAINABLE COMMUNITY STRATEGY – DECISION NUMBER 09/018

On 25 June 2009 the East Kent Local Strategic Partnership (EKLSP) approved the East Kent Sustainable Community Strategy Core Vision document as set out in REPORT C/09/20. This followed an extensive consultation carried out from January to April 2009 to which the District Council submitted a detailed response. The main focus for the EKLSP will now be to develop a series of action plans based on the six themes making up the vision.

This report was considered by the Community Overview committee on 28 July 2009 and it was resolved to endorse the recommendations set out in the report.

In relation to recommendation 3, during a verbal update to Cabinet, the Planning Policy and Economic Development Manager stated that the timescale for the production of the Action Plans had been revised and they are now due to be finalised by early 2010.

RESOLVED:

- 1. *To receive and note Report C/09/20.***
- 2. *To endorse the East Kent Sustainable Community Strategy Core Vision document***
- 3. *To note the timetable for the development of the Action Plans and the further role to be played by the District Council.***

REASONS FOR RESOLUTIONS:

- a) *To ensure that the District has an up to date Sustainable Community Strategy covering Shepway that also reflects the wider partnership work that the Council is involved in at the East Kent level.*
- b) *To ensure recognition of the role that will be played by the District Council in developing the Action Plans.*

24. PARKING RESTRICTIONS IN EAST CLIFF, FOLKESTONE – DECISION NUMBER 09/019

REPORT C/09/21 summarises the results of the survey to a proposal for parking restrictions in East Cliff, Folkestone, and goes on to detail the restrictions proposed following consideration by the Joint Transport Board at its meeting of 6th July 2009.

RESOLVED:

- 1. *To receive and note Report C/09/21.***

2. ***To approve the installation of a “no waiting at any time” waiting restriction on the North side of East Cliff, Folkestone and the installation of parking places on the South side.***
3. ***To carry out a review of the parking restrictions after one year of operation.***

REASON FOR RESOLUTIONS:

The frequent parking congestion in East Cliff could lead to problems for emergency service vehicles gaining access.

25. REVIEW OF THE SHEPWAY HOUSING LIST – DECISION NUMBER 09/020

Councils have a legal duty to establish a fair and effective allocations scheme in their area. For the most part the current allocations scheme, known as the Shepway Housing List, is working very effectively. However, a number of changes are proposed to provide for a better balance of outcomes in the Council's allocations to Council and housing association homes in the district which are set out in **REPORT C/09/22**. The proposals will also ensure that the council is able to fully achieve its strategic objectives and statutory targets.

This report was considered by the Community Overview Committee on 28 July 2009 and it was resolved to recommend that Cabinet include the wording “Armed Forces Agencies and Statutory Partners” after “To agree that service users and partner agencies...” in recommendation 3 of the Report.

RESOLVED:

1. ***To receive and note Report C/09/22.***
2. ***To approve the draft proposals contained within this report for consultation purposes.***
3. ***To agree that service users, partner agencies, armed forces agencies and statutory partners will be fully consulted on the proposals to amend the Shepway Housing List set out in Section 3 of this report.***
4. ***To agree that a further report be submitted to Cabinet following the consultation process, for Cabinet to approve the finalised proposals to amend the Shepway Housing List.***

REASONS FOR RESOLUTIONS:

- a) *The Council has a legal duty to establish an allocation scheme for determining priorities between persons qualifying to access Council and housing association rented homes.*
- b) *It is essential that the allocations scheme and procedures are easily understood, are fair and ensure that people with the most urgent housing need within the district are housed.*

26. **PARTIAL REVIEW OF THE REGIONAL SPATIAL STRATEGY FOR THE SOUTH EAST - PROVISION FOR GYPSIES, TRAVELLERS AND TRAVELLING SHOWPEOPLE – DECISION NUMBER 09/021**

The South East England Partnership Board are consulting on the options for meeting the accommodation needs of Gypsies, Travellers and Travelling Showpeople across the South East Region. REPORT C/09/23 sets out the range of options that are being consulted on.

This report was considered by the Community Overview Committee on 28 July 2009 and it was resolved to endorse the recommendations set out in the report.

RESOLVED:

1. *To receive and note Report C/09/23.*
2. *That Option A is supported, as it is the only Option that reflects the identified needs and aspirations of the Gypsy, Traveller and Travelling Showpeople communities. We do however recognise that Option C1 represents a genuine attempt to reach a compromise between the range of views expressed by KCC and the Kent District Councils.*
3. *The Council's support for Options A and C1 should be reported to SEEPB.*

REASONS FOR RESOLUTIONS:

- a) *SEERA consultation Option A will ensure that future accommodation pitch provision for Gypsies and Travellers in Shepway will meet the identified need in the district, as expressed by the local Gypsy and Traveller community.*
- b) *The council is required to identify and address the needs of Gypsies and Travellers in the local community.*

27. **FOLKESTONE WEST PROPOSED CONTROLLED PARKING ZONE – DECISION NUMBER 09/024**

REPORT C/09/26 On 14 January 2009, Cabinet resolved that Parking Services should consult on the introduction of a controlled parking zone (CPZ) within a radius of approximately 350 metres of Folkestone West railway station. This report presents the findings from this consultation exercise and recommends changes to the scheme initially proposed to reflect the responses received.

This report was considered by the Community Overview Committee on 28 July 2009 and it was resolved to accept the recommendations set out in the report.

During the Cabinet debate on this matter the inclusion of Baldric and Welson Roads in the controlled parking zone was discussed, but as this would have to go out to consultation, it would delay the implementation of the scheme. Recommendation 14 allows for the zone to be extended to include Baldric and

Welson Roads (in addition to others) three months after the implementation of the scheme if there is sufficient support after informal consultations.

Councillor Love requested that his view opposing recommendation 16 'that single yellow lines are marked across driveways with dropped kerbs in all roads within the CPZ' be recorded.

RESOLVED:

1. **To receive and note Report C/09/26.**
2. **To approve the implementation of a CPZ as shown on appendix 2.**
3. **Not to implement parking controls in Hook Close on the basis that a clear and absolute majority of respondents opposed the introduction of parking controls in this road.**
4. **That a traffic regulation order be advertised for the implementation of the parking controls.**
5. **That the Cabinet Member for Economic Development and Transport be delegated authority to consider and resolve objections to the traffic regulation order and report his decisions to Cabinet at a later date.**
6. **That the hours of operation should be 9 am-11 am Monday to Friday.**
7. **That each household be entitled to two residents' permits.**
8. **That the number of residents' visitors' permits per household be limited to 50 in any calendar year.**
9. **That residents and businesses with more than one car be entitled to buy a shared permit for the number of vehicles registered to them.**
10. **That the fee for resident permit be £25 per permit per year and that other fees be as follows:**

Resident Visitor permit	£1.00 per day (book of 5)
Additional resident permit	£25 per year
Shared Resident permit	£25 per year
Business permit	£50 per year
Replacement lost or stolen permit	£5.00
Special permit (Health & care workers)	Free
11. **That all permit charges be subject to an annual review.**
12. **That the eligibility criteria be:**
 - I. **Resident permit**
 - a) **The applicant's usual place of residence should be in the CPZ**
 - b) **The vehicle is either a passenger vehicle or a goods vehicle of a height less than 3.2 metres (10ft 6ins) and length less than 6.5 metres (21ft 4ins) a gross weight not exceeding 5 tonnes.**
 - II. **Resident visitor permits**
Applicant's usual place of residence should be in the CPZ
 - III. **Business permit**
 - a) **The business operates from an address within the CPZ**
 - b) **The vehicle is essential for the efficient operation of the business.**

13. *That a detailed set of rules be developed on the documentary evidence required from applicants for the various permits.*
14. *That parking services review the parking situation in adjacent streets three months after the implementation of this scheme and that the zone be extended to include Cheriton Road (between Beachborough and Station Road), Welson Road, Baldric Road, Shorncliffe Crescent, Sandwich Close and the remainder of Cooling Lane if there is sufficient support after informal consultations.*
15. *That residents of Hook Close be re-consulted to allow them to enter the scheme if the zone is extended.*
16. *That partial footway parking be allowed in Broadfield Crescent.*
17. *That the revenue derived from the issue of penalty charge notices in the CPZ be used in the first instance to finance the monitoring and review of this scheme.*

REASONS FOR RESOLUTIONS:

- a) *Based on the analysis of questions 1 and 3, the majority of residents and businesses in the area are in favour of the introduction of a CPZ.*
- b) *The introduction of a CPZ will help resolve some of the existing and potential parking problems in this area.*

RESOLVED:

18. *That single yellow lines are marked across driveways with dropped kerbs in all roads within the CPZ.*

REASON FOR RESOLUTION:

Yellow lines strengthen the case for enforcement.

(Voting: For 5; Against 2; Abstentions 0)

28. KENT COUNTY COUNCIL SECOND HOMES MONEY - ALTERNATIVE DISTRIBUTION METHODS – DECISION NUMBER 09/ 022

As resolved by Cabinet at its meeting held on 20 May 2009 (Decision Number 09/0002 refers). **REPORT C/09/24** considers alternatives to the established Community Chest for the allocation of the remaining £34,900 KCC Second Homes Money that has been allocated to the Council for 2009/10.

This report was considered by the Community Overview Committee on 28 July 2009 and it resolved to endorse the recommendations set out in the report.

RESOLVED:

1. *To receive and note Report C/09/24.*
2. *To agree to use the remaining £34,900 of second homes money to fund a second tranche of the Shepway Community Chest in 2009/10.*

REASON FOR RESOLUTIONS:

This will enable a second tranche of the Community Chest to be launched.

29. SUPPORTING SHARED SERVICES – PROPOSED USE OF PERFORMANCE REWARD GRANT – DECISION NUMBER 09/023

REPORT C/09/25 proposes the delegation of Performance Reward Grant funds to the Chief Executive in agreement with the East Kent Chief Executives, for the furtherance of shared services.

RESOLVED:

- 1. To receive and note Report C/09/25.**
- 2. To refer to full Council the proposed use of the council's Performance Reward Grant, in respect of the Kent Agreement 2005-2008, for meeting contributions to the East Kent Local Strategic Partnership (LSP); funding the administration costs of the East Kent Forum and the East Kent Joint Arrangements Committee (EKJAC) for 3 years and the balance to be set aside a sum as a 'fighting fund' for meeting up-front costs of shared services/joint working.**
- 3. To agree the recommended mechanism for approving the allocation of the 'fighting fund' namely, that the Chief Executive in consultation with the Leader of the Council be given delegated authority to determine the use of the Shepway's allocation of Performance Reward Grant, in consultation with the others on the East Kent Chief Executives Forum for expenditure up to £50k, or with the East Kent Joint Arrangements Committee for expenditure over £50k.**

REASONS FOR RESOLUTIONS:

Formal approval is required to enable Shepway District Council to earmark their Performance Reward Grant for collaborative working with other East Kent authorities.

30. RECYCLING AND WASTE SERVICES CONTRACT, PROCUREMENT ARRANGEMENTS – DECISION NUMBER 09/025

REPORT C/09/27 seeks approval of proposed procurement arrangements for the Council's Recycling and Waste Services in advance of the termination of the current contract on 30 September 2010.

An update was given to the Corporate Scrutiny Committee on this item on 20 July 2009 and it was resolved to hold a special meeting of the Committee as soon as possible to further scrutinise this issue.

It was necessary for Cabinet to make a decision without delay, as the current contract is due to end next year and arrangements needed to be put in place to start the procurement process. Any delay to the process would have seriously prejudiced the Council's ability to progress proposals in the report in line with Dover District Council, other East Kent authorities and Kent County Council. The Council's interests would thus be prejudiced.

The Chairman of the Corporate Scrutiny Committee was consulted and he agreed that the decision proposed was reasonable in all the circumstances and to it being treated as a matter of urgency.

The decision was therefore taken under the urgency provisions of the Council's constitution contained in rule 15.10 of the Overview and Scrutiny Procedure Rules.

RESOLVED:

1. ***To receive and note Report C/09/27.***
2. ***To note the current situation with regard to the East Kent Waste Project.***
3. ***To confirm agreement to procuring future services jointly with Dover DC.***
4. ***To confirm the proposed changes to the SDC recycling and waste services being developed as part of the East Kent project.***
5. ***To confirm agreement to include the Council's street cleansing service as part of this procurement process.***
6. ***To acknowledge and endorse the requirement for proper and effective engagement, dialogue and communication with our cleansing workforce, including their Staff and Trade Union representatives throughout the process.***

REASONS FOR RESOLUTIONS:

- a) *The current contract is due to end next year and arrangements need to be put in place to start the procurement process.*
- b) *The Council has been working with Dover DC, the other East Kent authorities and KCC over the past year to develop a more integrated approach to the collection and processing of recycling and waste with the primary aim being the reduction of the overall service costs.*

31. **INCOME AND DEBT MANAGEMENT POLICY – DECISION NUMBER 09/026**

REPORT C/09/28 sets out the way in which the Council will monitor and recover debts across all Council services. It also highlights the standards that customers should expect of the Council whilst dealing with queries regarding their invoices.

RESOLVED:

- 1. To receive and not Report C/09/28.**
- 2. To approve the Income and Debt Management Policy.**

REASON FOR RESOLUTIONS:

The Council needs to adopt a consistent approach to the collection of outstanding Council debts.

32. HOUSING REVENUE ACCOUNT REVENUE BUDGET MONITORING 2009/10 – AT 30 JUNE 2009 – DECISION NUMBER 09/013

REPORT C/09/15 provides a projection of the end of year financial position for the Housing Revenue Account (HRA) revenue expenditure based on net expenditure to 30 June 2009. There is a projected increase in expenditure of £53,000.

This report was considered by the Corporate Scrutiny Committee on 22 July 2009 and it resolved to receive and note Report C/09/15.

RESOLVED:

- 1. To receive and note Report C/09/15.**

REASON FOR RESOLUTION:

Cabinet need to be kept informed of the Housing Revenue Account position and take appropriate action to deal with any variance from the approved budget.

33. GENERAL FUND AND HOUSING REVENUE ACCOUNT CAPITAL BUDGET MONITORING – AT 30 JUNE 2009 – DECISION NUMBER 09/014

REPORT C/09/16 provides a projection of the latest financial position for the General Fund and Housing Revenue Account (HRA) capital programmes at 30 June 2009. The report identifies variances on planned capital expenditure for both the General Fund and HRA schemes in 2009/10 and recommends to Council changes to be made to the programmes to reflect the latest forecast.

This report considered by the Corporate Scrutiny Committee on 22 July 2009 and it was resolved to endorse the recommendations set out in the reports.

RESOLVED:

- 1. To receive and note Report C/09/16.**
- 2. To seek Council's approval for the General Fund capital budget as set out in Appendix 1 (forecast) of this report.**
- 3. To seek Council's approval for the Housing Revenue capital budget as set out in Appendix 2 (2009/10 projection) of this report.**

REASONS FOR RESOLUTIONS:

Cabinet need to be kept informed of the General Fund and HRA capital programmes position and take appropriate action to deal with any variance from the approved budget.

34. TREASURY MANAGEMENT AND ACTUAL PRUDENTIAL INDICATORS ANNUAL REPORT 2008/09 – DECISION NUMBER 09/015

REPORT C/09/17 reviews the Council's treasury management activities for 2008/09 and also covers the actual prudential indicators for 2008/09. 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.

This report was considered by the Corporate Scrutiny Committee on 22 July 2009 and it was resolved to receive and note the report.

RESOLVED:

- 1. To receive and note Report C/09/17.**

REASONS FOR RESOLUTION:

- 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.*
- b) *CIPFA's Prudential Code for Capital Finance requires the actual prudential indicators for the financial year to be reported.*

35. ADDRESSING THE POTENTIAL BUDGET DEFICIT – DECISION NUMBER 09/027

REPORT C/09/29 seeks to highlight the potential deficit faced by the council and offer a wayforward in addressing the challenges we face.

RESOLVED:

- 1. To receive and note Report C/09/29.**
- 2. Cabinet Members (working with the Corporate Scrutiny Committee, their Lead Members and Officers) establish detailed proposals to address the potential budget deficit covering the following areas, as outlined in the report:**
 - a. Parking**
 - b. Property utilisation**
 - c. Contracting out/shared services arrangements for waste collection/recycling and street cleansing; toilet cleaning; grounds maintenance; landlord services; revenues and benefits; central support services; and building control.**

3. ***Set a budget guideline for the Personnel and Appointments Committee for the pay negotiations at zero for 2010 and 0.5% for 2011. This to be the impact on the pay bill not allowing for the incremental effect.***
4. ***The Chief Executive to undertake a review of services to achieve further streamlining in line with the proposals outlined in the report.***

REASON FOR RESOLUTIONS:

A framework is needed to ensure savings targets are met and focus remains on the Council's key priorities.

36. FORWARD PLAN – DECISION NUMBER 09/028

REPORT C/09/30 sets out details of items which appeared in the Forward Plan published on 12 June 2009 and the reason why they have not come forward. A revised date for the proposed decision is also given.

RESOLVED:

1. ***To receive and note Report C/09/30.***

REASON FOR RESOLUTION:

Because Cabinet is responsible for making key decisions once they are advertised.

Note: Any alternative options considered by the Cabinet and rejected in the course of making the above decisions are set out in the relevant reports.
