

## CABINET

**Draft Minutes of the meeting held on 23 June 2011 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.**

**Present:** Councillor Robert W Bayford (Chairman); Councillors Bruce, Moores, Wells and Wise

**In Attendance:** Councillors D. Green, C. Hart, Mrs Johnston, King, Poole

### **132. APOLOGIES FOR ABSENCE**

There were no apologies.

### **133. DECLARATIONS OF INTEREST**

**The following declarations of interest were made in relation to Agenda Item 10:**

Councillor Bayford declared a personal and prejudicial interest because the tenant was known to Councillor Bayford both socially and as a colleague on the officer committee of South Thanet Conservative Association.

Councillor Wise declared a personal and prejudicial interest because the tenant was a former friend.

Councillor Bruce declared a personal interest.

Councillor Wells declared a personal Interest.

**Declarations by other Members in relation to Agenda Item 10:**

Councillor Mrs Johnston declared a personal interest.

### **134. MINUTES OF PREVIOUS MEETING**

The minutes were agreed and signed by the Chairman.

### **135. CHAIRMAN'S REMARKS - PETITION TO COUNCIL - LAND MANAGEMENT ISSUES - DEVELOPMENT PROPOSALS IN HARTSDOWN PARK FROM MARGATE FOOTBALL CLUB**

The Council Leader, Councillor Bayford said that this petition had to be considered in the context of a previous petition submitted to Council on a similar issue but from a different interest group. There were a number of land management issues that were still being considered by Council. This meant that the petition could not be considered in full at this stage.

Councillor Bayford moved, Councillor Moores seconded and Members agreed:

That upon resolution of these matters the land management issues will be reported back to Cabinet.

### **136. CONFIRMATION OF ARTICLE 4 DIRECTION**

Until 1 October 2010 planning permission was required for the change of use of a building including a dwelling-house to a House in Multiple Occupation (HMO). On 1

October 2010 the Government introduced new legislation. Planning permission is now not required for the change of use of a dwelling house to an HMO for up to 6 unrelated people.

The option exists for Councils to remove this right for parts of its District. This power lies within the existing provisions of Article 4 of the Town and Country Planning (General Permitted Development) Order 1995 (as amended). Under Article 4 a Direction may be made by a Local Planning Authority to remove permitted development rights and require a planning application to be made, in this case, by a person wishing to change the use of a dwelling-house to an HMO

An Article 4 direction was made by the Portfolio Holder on 3 February to authorise the making of an Article 4 Direction on. The Direction will come into force after 12 from this date. However, in order for this to happen the Direction must be confirmed by the Cabinet within 6 months of it having been made.

Councillor C. Hart spoke under Council Procedure Rule 24.1.

Councillor Moores moved, Councillor Wells seconded and Cabinet confirmed the Direction.

**137. HOMES AND COMMUNITIES AGENCY BID FOR NEW AFFORDABLE HOMES**

The item was withdrawn because part of the information in the report was no longer up to date due to recent events at the Homes and Communities Agency (HCA).

**138. DATA PROTECTION ACT (1998) - POLICY & PROCEDURES**

The DPA prevents organisations from using personal information for purposes an individual might lawfully object to. It does so by specifying how these organisations can use, store and share the personal data they collect. It also gives individuals the right to see any personal data held about them, and to have inaccurate information corrected.

Cabinet was being asked to consider proposals for the adoption of a set of policies and procedures and associated actions to ensure TDC remains fully compliant with its statutory obligations under the Data Protection Act 1998.

Councillor Mrs Johnston spoke under Council Procedure Rule 24.1.

Councillor Wise moved, Councillor Moores seconded and Members agreed:

1. That Cabinet approves the DPA Policy and Procedures Guidance Note;
2. That once approved, the DPA Policy and Procedures Guidance Note be published on the internet and intranet pages;
3. That the Corporate and Regulatory Services Manager to be appointed as the Council's Data Protection Officer (DPO);
4. That the Legal Services Manager be appointed Deputy DPO;
5. That expenditure of up to £1,750 for the hire of a specialist training consultant for "higher level" DPA training to Managers with data control/processing responsibilities (estimated completion date: September 2011) be approved, and that funding be provided by means of a priority draw on the training budget;
6. That expenditure of up to £1,100 for the purchase of the Encyclopaedia of Data Protection & Privacy, plus annual update fees payable every September of c. £850

be approved, subject to virement funding within the Corporate & Regulatory Services' budget;

7. That payment of the Council's annual registration ('Notification') fee by standing order or direct order or direct debit be approved;
8. That Cabinet supports a council-wide officer training programme, subject to the findings of the questionnaire referred to in the report and a pragmatic approach being adopted;
9. That Cabinet supports a Data Protection Awareness Week.

**139. ST JOHN'S LODGE, ST JOHN'S CEMETARY, MARGATE**

Cabinet was being asked to amend its earlier decision on the type disposal approved 5 August 2010. This was because originally, it had been assumed that an offer for residential use would be forthcoming. This was not the case but an acceptable offer for use of the building as an office by a stonemason had since been received.

Councillor C. Hart spoke under Council Procedure Rule 24.1

Councillor Moores moved, Councillor Bayford seconded and Members agreed:

1. To modify the decision of 5 August 2010 to allow for a disposal without specific reference to use

**140. EXCLUSION OF PUBLIC AND PRESS**

Councillor Bruce moved, Councillor Moores seconded and Members agreed:

That the public and press be excluded from the meeting on agenda item 10 as it contains exempt information as defined in Paragraphs 5 and 6 of Schedule 12A of the Local Government Act 1972 (as amended).

**141. COACH HOUSE, NORTHDOWN PARK**

**Cabinet Declarations**

Councillor Bayford declared a personal and prejudicial interest but remained in the meeting in accordance with a dispensation granted by the Standards Committee in order that the meeting would remain quorate. Councillor Bayford spoke but did not vote on the matter.

Councillor Wise declared a personal and prejudicial interest and left the meeting during the consideration of the matter.

Councillor Bruce declared a personal interest and left the meeting during the consideration of the matter due to his involvement at an earlier stage as the Vice Chairman of the Overview & Scrutiny Panel

Councillor Wells declared a personal interest in the matter.

**Declarations by other Members**

Councillor Mrs Johnston declared a personal interest in the matter.

The Overview and Scrutiny Panel decided on 26 April 2011, to recommend to Cabinet, that possession proceedings should be commenced.

Councillor Wells moved, Councillor Moores seconded and Members agreed the following:

1. Cabinet received and noted the recommendations of the Overview & Scrutiny Committee
2. Cabinet agreed that in order to secure compliance with the covenants on the part of the tenant contained in the lease in relation to the use of the Coach House as a museum and its availability to the public in connection with such use, the Legal Services Manager be authorised to prepare and serve on the tenant Notice under Section 146 (1) of the Law of Property Act 1925 on such terms (including time for compliance) as the Legal Services Manager in consultation with the Commercial Services Manager, considers necessary or expedient.
3. Cabinet agreed that should the service of a Section 146 Notice not secure compliance with the covenants on the part of the tenant contained in the lease of the Coach House, the Legal Services Manager be authorised to institute forfeiture proceedings subject only to obtaining prior external legal advice on the prospects for success and that this advice be brought back to Cabinet for final approval before actioning.

Meeting concluded : 7.40 pm