

CABINET

Minutes of the meeting held on 22 January 2013 at 7.00 pm in Council Chamber, Cecil Street, Margate, Kent.

Present: Councillor Hart (Chairman); Councillors Everitt, Fenner, D Green, Johnston and Poole

In Attendance: Councillors Bayford, Bruce, Driver, Edwards, Grove, King, Marson, Matterface, Moores, D Saunders, M Saunders, W Scobie, M Tomlinson, S Tomlinson, Watkins, Wells, Wise and Worrow

39. APOLOGIES FOR ABSENCE

There were no apologies received at the meeting.

40. DECLARATIONS OF INTEREST

There were no declarations of interest.

41. MINUTES OF PREVIOUS MEETING

The minutes were agreed and signed by the Chairman.

42. BUDGET MONITORING REPORT TO END OF NOVEMBER 2012

There were a number of significant changes to the Council's budget position to the one reported in November 2012. Work was on-going to firm up the potential outturn position of Council finances and a revised report would be brought to the March 2013 Cabinet meeting.

Councillor Wise and Councillor Wells spoke under Council Procedure Rule 24.1.

Councillor Everitt proposed, Councillor C. Hart seconded and Members agreed the following:

1. To note the projected outturn position for 2012/13 for the General Fund;
2. To note the current Housing Revenue Account position and approve the virements as per the table in Annex 2 (to the Cabinet report) to cover the repayment of the loan due;
3. To note the General Fund and Housing Revenue Account Capital Programmes.

43. 2013/14 BUDGETS AND MEDIUM TERM FINANCIAL PLAN 2013-17

The draft Council Budget for 2013/14 was being considered against a background of significant cuts in funding by central Government as reflected by the provisional figures for the Local Government Finance Settlements for 2013/14 and 2014/15 announced on 19 December 2012. The figures showed a 7.4% cut in 2013/14 and a further 16.64% for 2014/15.

Councillor Everitt, Cabinet Portfolio Holder for Financial Services had met with Councillor Wise, Shadow Cabinet Member for Financial Services to share views in relation to different approaches to managing the New Homes Bonus funding.

Councillor Driver and Councillor Wise spoke under Council Procedure Rule 24.1.

Councillor Everitt proposed, Councillor C. Hart seconded and Members agreed the following:

1. To recommend to Council the draft Medium Term Financial Plan at Annex 1 to the Cabinet report;
2. To recommend to Council the draft General Fund Revenue budget estimates for 2013/14 to 2016/17 and the resulting budget requirement for 2013/14;
3. To recommend to Council that the level of general reserves be held at £2,177k, and specific earmarked reserves be used as identified in Annex 2 to the Cabinet report;
4. To recommend to Council the HRA budget estimates for 2013/14 to 2016/17 and the HRA service charges as shown at Annex 4 to the Cabinet report;
5. To delegate the approval of the EK Housing Management Fee to the Director of Community Services in consultation with the Portfolio Holder for Housing and Planning;
6. To recommend to Council the General Fund and Housing Revenue Account Capital Budgets for 2013/14 as detailed at Annexes 5 and 6 to the Cabinet report;
7. To recommend to Council the draft Treasury Management Strategy (as reflected in Annex 3 to the Cabinet report), as approved by Governance and Audit at its meeting on 11 December 2012;
8. To note the procurement update at paragraph 9 to the Cabinet report.

44. HOUSING STRATEGY 2012-2016

Local Authorities are required by the Local Government Act 2003 to have in place a Housing Strategy that has to be updated regularly. A number of changes have been brought about by the Localism Act 2011, National Housing Strategy, Comprehensive Spending Review and Welfare & Benefit Reform which have prompted the need to update the current Housing Strategy in line with new requirements.

Councillor Driver and Councillor Bayford spoke under Council Procedure Rule 24.1.

Councillor D. Green proposed, Councillor C. Hart seconded and Members agreed:

1. To recommend the strategy to Council for approval in February 2013.

45. PROPOSED REVISED LOCAL DEVELOPMENT SCHEME

The proposed revised Local Development Scheme focused on a single Local Plan to cover the period up to 2031 and simultaneous work to produce the Supplementary Planning Documents. It was explained that these two documents collectively known as "the Local Development Documents" would need to be revised regularly.

Councillor Bayford spoke under Council Procedure Rule 24.1.

Councillor D. Green proposed, Councillor C. Hart seconded and Members agreed:

1. To bring the revised Local Development Scheme into effect on 22 January 2013 (or if necessary as soon as possible thereafter).

46. ALLOCATIONS POLICY

The national economic and legislative environment had changed since the current Lettings Policy had been adopted in 2004. The new National Allocations Policy that took account of the new powers in the Localism Act (2011) had been published in June 2012. There was therefore a need to undertake a public consultation before proposing to Council for adoption a new Allocations Policy.

Councillor Driver and Councillor Wells spoke under Council Procedure Rule 24.1.

Councillor D. Green proposed, Councillor C. Hart seconded and Members agreed:

1. That the Overview and Scrutiny Panel comments of "Including and making clear that rent arrears and former tenancy debts apply to all social housing providers within or outside the Thanet area" be added into the consultation document;
2. That the Armed Forces Personnel Section of the proposed Allocations Policy be clarified further;
3. The proposed Allocations Policy document and public consultation process.

47. PIERREMONT PARK COMMUNITY CENTRE LEASE

On 26 July 2012, Cabinet agreed that a final decision to grant a lease for the construction of community centre in Pierremont Park be delegated to the appropriate Cabinet Member.

Councillor Wells spoke under Council Procedure Rule 24.1.

Councillor Poole proposed, Councillor C. Hart seconded and Members agreed the following:

1. To note that agreement was given to the granting of a lease in Pierremont Park on the area of land as defined by the published Section 123 notice, subject to the achievement of planning and listed building consents for the proposals, and demonstration of sufficient funding to undertake the development.

48. OVERVIEW & SCRUTINY PANEL RECOMMENDATIONS TO CABINET - THANET BEACHES CONTAMINATION REVIEW

The Overview and Scrutiny Panel had conducted an investigation into some sewage spillage incidents that had taken place on some of the districts beaches. The Panel produced a number of recommendations for consideration by Cabinet.

Councillor Driver and Councillor Moores spoke under Council Procedure Rule 24.1.

Councillor Poole proposed, Councillor C. Hart seconded and Members agreed the findings and subsequent recommendations of the Overview & Scrutiny Panel with an amendment for recommendation 16 as detailed below:

A. AGREED RECOMMENDATIONS TO THANET DISTRICT COUNCIL, SOUTHERN WATER AND ENVIRONMENT AGENCY

1. Communication: - Thanet District Council, Southern Water and Environment Agency should meet quarterly to look at the emergency response arrangements and ensure that these arrangements are appropriate and up to date;

2. In the event of an emergency, with regards to the initial contact between Thanet District Council and Southern Water; there should be confirmation of any communication between the agencies; so that if a telephone message is left, the call should be returned and if an email is sent, it should be replied to;
3. There was a need to produce and adopt a Contingency Plan for the closure of Thanet Beaches which should be based on the best practice framework model for the South East Region to be developed by the Environment Agency;

B. AGREED RECOMMENDATIONS TO THANET DISTRICT COUNCIL

4. Compensation: - To lobby local MPs to amend the legislation that governs the water industry (particularly the sewer management sub-sector) so that in cases whereby flooding caused by the overwhelming of sewer systems it becomes the responsibility of water companies;
5. Thanet District Council should be responsible for signage and dissemination of information during emergencies;
6. Generic large signage boards (A0 size) should be in store; ready to be deployed at strategic points of public access only to the beaches affected by the emergency event. The response to emergencies should be measured and appropriate and ensure that beaches not affected are not closed;
7. Social media (to include face book, twitter and local radio stations) should be used to alert the public about the contamination on the beaches;
8. After the beaches have been cleaned, signage should be put up to let visitors and the public know that the beaches are now clean and open. Appropriate signage, including social media should be used to advertise that the beaches have been cleaned and are safe;
9. To lobby local MPs to amend the legislation that governs the funding of the Environment Agency to enable them to carry out random sampling of bathing water on beaches during the off season (in winter);
10. To lobby Department for Environment, Food and Rural Affairs (Defra) to provide extra funding for off-season sampling of bathing water on beaches;

C. AGREED RECOMMENDATIONS TO SOUTHERN WATER

11. The response time between alarm action and the physical presence of staff to an emergency site should be 20 minutes and Monitoring CCTV facility should be installed at strategic points at Foreness Point Pumping Station in order to enable early response to emergencies;
12. After a prolonged period of drought, there should be more frequent jet washing of the sewer system particularly along known pinch points;
13. Southern Water communication/compensation procedures should be more responsive and more sympathetic discretion should be used to compensate residents whose properties are affected by sewage flooding;
14. In the event of future emergencies, an ad hoc 'Incident Dedicated Contact Point' for customers should be set up;

D. AGREED RECOMMENDATIONS TO ENVIRONMENT AGENCY

15. Request the Environment Agency to consider carrying out random water sampling on beaches in winter due to the increase in winter sports during the off-season;
16. Thanet District Council work with the Environment Agency, other coastal Local Authorities, and partner organisations, to produce, agree and exercise a plan for marine & beach incident management response. This plan will provide a consistent framework for warning and informing people, businesses and others, with each organisation having a clearly defined set of remits and responsibilities.

49. NOTICE ON MOTION REFERRED BY COUNCIL - RAMSGATE ROYAL SANDS

The Cabinet considered a Notice on Motion that had been referred to them by the Chairman of the Council regarding the Ramsgate Royal Sands development. Cabinet members said that it was important to take corrective action of the present situation paying due regard to the obligations in the current development agreement.

Councillor Driver and Councillor Bayford spoke under Council Procedure Rule 24.1.

Councillor Poole proposed, Councillor C. Hart seconded and Members agreed the following:

1. That a review period of 4 months from 22nd January 2013 is now in force and requested officers at the end of this period to prepare an options report to Cabinet if either the finance is not in place for the completion of the development or no agreement is in place for the construction and operation of a hotel.

50. INTRODUCTION OF DOG CONTROL ORDER - DUMPTON GAP

Cabinet considered a petition referred to it from Council proposing a Dog Control Order at the Dumpton Gap Beach. In reaching a position on the matter, Cabinet wanted to make sure that there was no interruption in the continuity of a key walking route for dog owners between Ramsgate and Broadstairs and to maintain a balance across the Council's beaches between the rights and expectations of dog owners and the rights and expectations of other users including visitors and tourists.

Councillor Bruce and Councillor Wells spoke under Council Procedure Rule 24.1.

Councillor Fenner proposed, Councillor C. Hart seconded and Members agreed:

1. To maintain the current situation and allow dogs at any time at Dumpton Gap Beach.

51. ENFORCEMENT OF THE TERMS OF THE HEAD LEASE OF THE ARLINGTON SITE, MARGATE

A number of current tenants in Arlington House had expressed concern regarding the poor management of the Arlington site by Metropolitan Property Realizations Limited (MPRL). It had therefore been deemed appropriate to carry-out a review of the terms of the Council's Head Lease of the Arlington site and to agree measures to be taken by officers to ensure compliance with the terms of the Head Lease by MPRL.

Councillor Moores spoke under Council Procedure Rule 24.1.

Councillor Poole proposed, Councillor C. Hart seconded and Members agreed the following:

1. To receive and note the report;
2. To further note the significant statutory limitations imposed on the Council in the taking of enforcement action against Metropolitan Property Realizations Limited in respect of perceived breaches of the tenants repairing and decorating covenants in the Head Lease.
3. That subject to the applicable statutory limitations the Council will seek to enforce compliance with the tenants covenants contained in the Head Lease of the Arlington site and in particular:-
 - (i) the officers are authorised to effect buildings insurance on the rear car park and recover the premium costs from Metropolitan Property Realizations Limited by forfeiture action if necessary;
 - (ii) the officers are instructed to require Metropolitan Property Realization Limited to provide evidence of its plate glass insurance policy;
 - (iii) the officers are instructed to carry out bi-annual inspections of the Arlington site at reasonable intervals to include inspections for compliance with the obligations contained in the Lease to preserve the amenity of the site and keep it clean and tidy and free from weeds and to prepare and serve on Metropolitan Property Realizations Limited any notices considered necessary or desirable as a result of such inspections including, where possible, taking action in default and recovering the costs thereof from Metropolitan Property Realizations Limited as a simple contract debt;
4. That no action is taken at this time in relation to the rear car park on the site but that the officers report back to Cabinet when the Secretary of State has taken the decision whether or not to grant planning permission for a Tesco Express food store.

Meeting concluded: 9.10 pm