

CABINET

Minutes of the meeting held on 3 October 2017 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Wells (Chairman); Councillors L Fairbrass, Crow-Brown, S Piper, Stummer-Schmertzing and Townend

In Attendance: Councillors: Bayford, Savage, Taylor-Smith, Matterface, Campbell, Connor, J Fairbrass, D Saunders, M Saunders, Shonk and Venables

447. APOLOGIES FOR ABSENCE

There were no apologies for absence made by Cabinet Members.

448. DECLARATIONS OF INTEREST

There were no declarations of interest.

449. MINUTES OF EXTRAORDINARY MEETING

Councillor Lin Fairbrass proposed, Councillor Crow-Brown seconded and Members agreed the minutes as a correct record of the extraordinary meeting held on 18 July 2017.

450. MINUTES OF PREVIOUS MEETING

Councillor Lin Fairbrass proposed, Councillor Townend seconded and Members agreed the minutes as a correct record of the ordinary meeting held on 27 July 2017.

451. QUARTER 1 BUDGET MONITORING REPORT 2017-18

Members considered the budget monitoring report and were advised that overall, forecasts were predicted to be in line with the budget. However, there was a forecast overspend within the General Fund, which would be financed from additional income. This over-expenditure related to homelessness and it was partly due to increasing demand which had seen an increase in the number of people presenting themselves as homeless and needing urgent housing assistance.

There was a high cost of managing this demand, as temporary accommodation was expensive. Management action was being taken, to find ways to reduce the cost of accommodation, and to introduce initiatives to bolster supply. The general increase in private sector benefit costs and the introduction of Universal Credit have also contributed to the budget pressures.

Members were advised that whilst the Housing Revenue Account was forecast to be within budget, the main risk was related to the finances of East Kent Housing. Its final accounts for the previous year showed a fragile position and there may be pressure placed on the HRA if East Kent Housing does not deliver its business plan.

The main risk on the General Fund capital programme was that there could be insufficient receipts generated from asset disposals, to fund the programme. However, this was within the council's control, and some sites were in the process of being sold, which should generate the necessary funds.

Councillor Matterface and Councillor Taylor-Smith spoke under Council Procedure 20.1.

Councillor Townend proposed, Councillor Crow-Brown seconded and Cabinet agreed to note the forecast position for 2017-18 for:

- (i) The General Fund;
- (ii) The Housing Revenue Account;
- (iii) The General Fund and Housing Revenue Account Capital Programmes.

452. FORT ROAD HOTEL

Fort Road Hotel had been empty for the last 22 years. The Council acquired the building by Compulsory Purchase Order in October 2010 for the purposes of redevelopment and improvement.

Having settled the compensation for the Compulsory Purchase Order in July 2017, Cabinet viewed it appropriate to re-evaluate the potential options for the building. A number of options had been considered before Cabinet came to a decision as highlighted in the Cabinet report.

Councillor Venables and Councillor Savage spoke under Council Procedure 20.1.

Councillor Stuart Piper proposed, Councillor Wells seconded and Cabinet agreed the following:

1. The disposal of the Fort Road Hotel;
2. The reallocation of the remaining budget provision to the council's new build programme.

453. PETITION - CLEAN UP CLIFTONVILLE WEST

In response to the petition the portfolio holder reported to the meeting that currently 30% of the total operational services cleansing resources were given to the Cliftonville West ward. It was also reported that in response to requests from the ABC group, additional deep cleansing had taken place in Athelstan road, the surrounding alleyways, Godwin, Sweyn, Harold and Gordon roads and had been completed.

Before the petition was received, Council had been served out 40 enforcement notices and 204 Breach of Condition Notices to private landlords for waste and litter in respect of dwellings within the ward of Cliftonville West.

Members were also advised that Council officers met with the ABC group and a pilot was agreed with Operational Services for an Environmental Action Team to tackle the issues identified in the petition.

The Environmental Action Team made up from multi-departmental officers from Cleansing, Enforcement, Waste, Private Sector Housing Licensing, Open spaces and Minor works were working on this pilot project. These dedicated resources worked daily within the ABC Group identified four zones and hot-spot areas and were tasked to resolve all identified issues and success had been recorded by the team.

In the first four weeks in September 2017, the team had removed:

- 20 additional tonnes of waste, including wood, rubble, soil and bagged waste;
- 12 Abandoned or nuisance vehicles;
- 20 mattresses;
- 11 settees;
- 12 old push bikes.

About 50 additional enforcement notices and warnings had been served on businesses, managing agents and residents for waste management and disposal. The team caught two fly-tippers and prosecution proceedings were currently underway.

The team had also weeded and weed sprayed the whole of Zone 1 (including alleyways) and most of the alleyways were cleared of all rubbish. In excess of 60 bin lids and 10 complete bins had been replaced in Zone 1.

Councillor Bayford spoke under Council Procedure 20.1.

Councillor Lin Fairbrass proposed, Councillor Cabinet agreed to note the new approach and pilot of an Operational Services Task Force for Cliftonville West ward cleansing hot-spot locations.

454. PETITION - RAMSGATE SPRINT REVIVAL

Members considered the petition report for the Ramsgate Sprint Revival. Cabinet advised the event organisers that assuming the event was going to use the same route and on similar dates to 2015, this event may not be able to access the Ramsgate route because Government Acre had already booked the route from 6th to 10th August so different dates would need to be considered.

Secondly due to planned new commercial operations at the port, there was currently a planning application for temporary change of use for a coach parking and the area previously used for pits/vehicle holding was unlikely to be available for use during 2018.

Cabinet confirmed its commitment to providing support to event organisers and would continue to work with them in planning for future events. Cabinet wished the event organisers the very best in organising a sprint in 2018.

Councillor Stuart Piper proposed, Councillor Stummer-Schmertzling seconded and Members agreed that the petition is noted and that the Cabinet Member for Housing and Open Spaces is kept fully updated on the support provided to the Ramsgate Sprint organisers.

455. EXCLUSION OF PRESS AND PUBLIC

The Chairman asked if Members had any detailed comments to make or questions that would mean discussing in-depth the confidential annexes in the report, to which Members agreed.

As a result, Councillor Wells proposed, Councillor Lin Fairbrass seconded and Cabinet agreed that the public and press be excluded from the meeting for the consideration of annexes 3, 4 and 6 of agenda item 10 as it contains exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972 (as amended).

The public gallery was cleared to enable Cabinet to go into private session.

456. EK SERVICES STRATEGIC SERVICE DELIVERY OPTIONS AND POTENTIAL FOR CONTRACTING OUT OF CERTAIN FUNCTIONS

Cabinet received a report on proposals for potentially contracting out certain functions by East Kent Services (EKS). Since its creation EKS has achieved savings of circa £6m, through a combination of reduced annual management fees, absorbing all inflationary items such as salaries and passing cash back to councils. The operating costs were now about 40% lower than where they would have been before the shared services project was in place. This had been achieved without any significant reduction in services.

Cabinet noted that unless the partner councils wished to significantly increase the fees paid to EKS, service reductions, with staff losses, were the next necessary step to take for the delivery of services to remain viable. Members considered a number of options that were offered in detail in the Cabinet report.

There was separate work ongoing that was looking at the options for EKS residual structure, in the event of a change in service delivery arrangements, and this would be subject to a report that would be brought back to Cabinet in due course, once the detail work on each option was completed.

It was also reported that the interim position, should Councils decide to proceed with any contracting out, would expect to witness some immediate savings in EKS corporate overheads but retain EKS in a slightly smaller form for the interim period. This would allow time for the detailed residual options work to be completed and for the contract to be managed effectively during the first few months of operation.

Councillor Bayford and Councillor Campbell spoke under Council Procedure 20.1.

In response to a Member query seeking clarity regarding the wording in recommendation 2(d) in the cabinet report, Mr Dominic Whelan, Director of Shared Services said that this recommendation was in relation to contracts that may be required in order to facilitate efficient delivery of Revenue & Benefits or Customer Services; for instance by providing enabling systems such as technology systems that are required to facilitate the functions.

Councillor Crow-Brown proposed, Councillor Wells seconded and Cabinet agreed the following:

- (1) To approve the business case for entering into a strategic partnership and contract for the delivery of the Revenues, Benefits and Customer Services functions and to request the East Kent Services Committee to give effect to the recommendation;
- (2) To the extent that they are not already authorised to do so, the East Kent Services Committee be authorised to discharge the following functions and delegations on behalf of the Council:-
 - (a) Acting in consultation with the chief legal officer of the Council*, to authorise entry into contracts with third parties in relation to the discharge of all or any of the Revenues, Benefits and Customer Services Functions, including the granting of interests in land;
 - (b) To exercise the powers and functions of the Council in relation to any contract entered into by the Council pursuant to (2)(a) above, (to include but not be limited to) making decisions on behalf of the Council in relation to:-
 - (i) Contract management;
 - (ii) Renegotiation of the contract (acting in consultation with the chief legal officer of the Council);*
 - (iii) Variation of the contract (acting in consultation with the chief legal officer of the Council);*
 - (iv) Assignment of the contract (acting in consultation with the chief legal officer of the Council);*
 - (v) Novation of the contract (acting in consultation with the chief legal officer of the Council);*
 - (vi) Termination of the contract (acting in consultation with the chief legal officer of the Council);
 - (vii) Renewal of the contract (acting in consultation with the chief legal officer of the Council);*

(viii) Enforcement of the contract including the making and settling of any claims arising under it (whether or not legal proceedings are actual or contemplated);

*the contracts shall be entered into in accordance with each local authority's respective Contract Standing Orders.

- (c) To authorise the doing of anything in relation to the exercise of the powers and functions of the Council under Part II of the Deregulation and Contracting Out Act 1994 and the orders and regulations made under it;
- (d) Acting in consultation with the chief legal officer of the Council to authorise entry into contracts* with third parties in relation to any functions of the Council which are not the Revenues, Benefits and Customer Service Functions but which can usefully be entered into in connection with or in order to facilitate contracts entered into, or to be entered into with regard to the Revenues, Benefits and Customer Service Functions;

*the contracts shall be entered into in accordance with each local authority's respective Contract Standing Orders.

- (e) To authorise the doing of anything incidental to, conducive to or otherwise expedient in connection with (a) to (d) above.

Meeting concluded: 7.57 pm