



Date: **19 July 2023**
Our ref: **Cabinet/Agenda**
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CABINET

27 JULY 2023

A meeting of the Cabinet will be held at **7.00 pm on Thursday, 27 July 2023** in the Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Membership:

Councillor Everitt (Chair); Councillors: Whitehead, Albon, Duckworth, Keen and Yates

AGENDA

Item
No

Subject

1. **APOLOGIES FOR ABSENCE**
2. **DECLARATIONS OF INTEREST** (Pages 3 - 4)
To receive any declarations of interest. Members are advised to consider the advice contained within the Declaration of Interest advice attached to this Agenda. If a Member declares an interest, they should complete the [Declaration of Interest Form](#)
3. **MINUTES OF PREVIOUS MEETING** (Pages 5 - 12)
To approve the summary of recommendations and decisions of the Cabinet meeting held on 15 June 2023, copy attached.
4. **PURCHASE OF 42 HOMES AT SPITFIRE GREEN FOR AFFORDABLE RENT** (Pages 13 - 18)
5. **LOCAL AUTHORITY HOUSING FUND: PURCHASE OF 9 HOMES** (Pages 19 - 24)
6. **REPRESENTATION ON OUTSIDE BODIES FOR 2023/24** (Pages 25 - 30)

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Do I have a Disclosable Pecuniary Interest and if so what action should I take?

Your Disclosable Pecuniary Interests (DPI) are those interests that are, or should be, listed on your Register of Interest Form.

If you are at a meeting and the subject relating to one of your DPIs is to be discussed, in so far as you are aware of the DPI, you **must** declare the existence **and** explain the nature of the DPI during the declarations of interest agenda item, at the commencement of the item under discussion, or when the interest has become apparent

Once you have declared that you have a DPI (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must**:-

1. Not speak or vote on the matter;
2. Withdraw from the meeting room during the consideration of the matter;
3. Not seek to improperly influence the decision on the matter.

Do I have a significant interest and if so what action should I take?

A significant interest is an interest (other than a DPI or an interest in an Authority Function) which:

1. Affects the financial position of yourself and/or an associated person; or
Relates to the determination of your application for any approval, consent, licence, permission or registration made by, or on your behalf of, you and/or an associated person;
2. And which, in either case, a member of the public with knowledge of the relevant facts would reasonably regard as being so significant that it is likely to prejudice your judgment of the public interest.

An associated person is defined as:

- A family member or any other person with whom you have a close association, including your spouse, civil partner, or somebody with whom you are living as a husband or wife, or as if you are civil partners; or
- Any person or body who employs or has appointed such persons, any firm in which they are a partner, or any company of which they are directors; or
- Any person or body in whom such persons have a beneficial interest in a class of securities exceeding the nominal value of £25,000;
- Any body of which you are in a position of general control or management and to which you are appointed or nominated by the Authority; or
- any body in respect of which you are in a position of general control or management and which:
 - exercises functions of a public nature; or
 - is directed to charitable purposes; or
 - has as its principal purpose or one of its principal purposes the influence of public opinion or policy (including any political party or trade union)

An Authority Function is defined as: -

- Housing - where you are a tenant of the Council provided that those functions do not relate particularly to your tenancy or lease; or
- Any allowance, payment or indemnity given to members of the Council;
- Any ceremonial honour given to members of the Council
- Setting the Council Tax or a precept under the Local Government Finance Act 1992



If you are at a meeting and you think that you have a significant interest then you **must** declare the existence **and** nature of the significant interest at the commencement of the matter, or when the interest has become apparent, or the declarations of interest agenda item.

Once you have declared that you have a significant interest (unless you have been granted a dispensation by the Standards Committee or the Monitoring Officer, for which you will have applied to the Monitoring Officer prior to the meeting) you **must:-**

1. Not speak or vote (unless the public have speaking rights, or you are present to make representations, answer questions or to give evidence relating to the business being discussed in which case you can speak only)
2. Withdraw from the meeting during consideration of the matter or immediately after speaking.
3. Not seek to improperly influence the decision.

Gifts, Benefits and Hospitality

Councillors must declare at meetings any gift, benefit or hospitality with an estimated value (or cumulative value if a series of gifts etc.) of £25 or more. You **must**, at the commencement of the meeting or when the interest becomes apparent, disclose the existence and nature of the gift, benefit or hospitality, the identity of the donor and how the business under consideration relates to that person or body. However you can stay in the meeting unless it constitutes a significant interest, in which case it should be declared as outlined above.

What if I am unsure?

If you are in any doubt, Members are strongly advised to seek advice from the Monitoring Officer or the Committee Services Manager well in advance of the meeting.

If you need to declare an interest then please complete the declaration of [interest form](#).

CABINET

Minutes of the meeting held on 15 June 2023 at 7.00 pm in Council Chamber, Council Offices, Cecil Street, Margate, Kent.

Present: Councillor Rick Everitt (Chair); Councillors Whitehead, Albon, Duckworth, Keen and Yates

In Attendance: Councillors Austin, Bambridge, J Bayford, Davis, Donaldson, Garner, Kup, Pugh and Rogers

5. APOLOGIES FOR ABSENCE

There were no apologies for absence made at the meeting.

6. DECLARATIONS OF INTEREST

There were no declarations of interest made at the meeting.

7. MINUTES OF PREVIOUS MEETING

Councillor Everitt proposed, Councillor Yates seconded and Members agreed to take as read, the minutes of the meeting held on 16 March 2023.

8. MINUTES OF THE EXTRAORDINARY MEETING

Councillor Everitt proposed, Councillor Yates seconded and Members agreed to take as read, the minutes of the extraordinary meeting held on 21 March 2023.

9. WESTGATE DRAFT NEIGHBOURHOOD PLAN

Cabinet considered the Westgate Draft Neighbourhood Plan. Under the Localism Act 2011, neighbourhood plans could be prepared by local communities and were led by Town or Parish Councils, or a Neighbourhood Forum in areas which do not have a Town or Parish Council. If Thanet Council adopted a neighbourhood plan it would have the same significance as other Development Plan Documents (e.g. the Local Plan) for the district.

Westgate-on-Sea Town Council prepared this draft neighbourhood plan. It was published, formally submitted to the Council and had subsequently been assessed by an Independent Examiner. The Examiner's report had also been published. It supported the proposed Neighbourhood Plan, with some minor modifications, and recommended that it be subject to a referendum.

The Council now had to issue a Decision Statement as to whether or not it accepted the recommendations in the Examiners report, and, if not, what actions would be necessary. The Council also had to consider whether the draft Plan met the "basic conditions" for a Neighbourhood Plan. The report also set out relevant issues in the Examiner's report for Cabinet's decision which would form the basis of the Decision Statement.

The draft Neighbourhood Plan was generally supported by the Town Council as it had been positively prepared and included policies that generally conform to the adopted Local Plan. It was encouraging to see that the Town Council had included policies which, although too detailed or too specific for the Local Plan, do generally support the delivery of the local plan and had a good evidence base. For example, the Neighbourhood Plan

identified important seafront characteristics and designated Seafront Character Zones to protect those characteristics.

Councillor Donaldson spoke under Council Procedure Rule 20.1.

Councillor Everitt proposed, Councillor Yates seconded and Cabinet agreed:

1. That the draft Neighbourhood Plan be modified as set out in this report

and

2. That the Council issues a Decision Statement that it accepts the recommendations in the Examiners report, and the draft Neighbourhood Plan can proceed to referendum.

10. AMENDMENT TO AIR QUALITY MANAGEMENT AREA

Cabinet discussed the proposal for the revocation of existing urban wide Air Quality Management Area (AQMA) and declaration of a small defined Air Quality Management Area (AQMA) from High Street St Lawrence to Shah Place, Ramsgate. Thanet District Council (TDC) was committed to improving the environment for the local residents and reducing health inequalities often associated with air pollution.

Air quality had improved across Thanet in the last 5 years. There had been no exceedances of national air quality objectives across the district during this period. Government guidance and DEFRA appraisal of the Local Authority's Annual Air Quality Status reports recommend that TDC considers revocation of the Air Quality Management Area, advising that no AQMA should remain where there have been 5 years of compliance with the air quality objectives.

A Detailed Assessment of two former pollution hot spots was undertaken using traffic data and dispersion modelling to predict levels across the entire area. The report indicates a risk of exceeding guideline levels at a number of properties between High Street St Lawrence and Shah Place, Ramsgate.

The Council had increased monitoring within this area to determine whether real world measurements do reflect the modelled exceedances. The declaration of the smaller, more defined AQMA would give appropriate weight and focus for improvement measures within the subsequent Action Plan

Councillor Austin spoke under Council Procedure Rule 20.1.

Councillor Keen proposed, Councillor Yates seconded and Cabinet approved the revocation of the Urban AQMA Order (Annex 3 to the report) and approved the declaration of a smaller defined St Lawrence AQMA (Annex 4 to the report) and authorised the application of the Common Seal to the Order.

11. BUILDING SAFETY ACT 2022

Members discussed the Building Safety Act 2022, which was a new legislation that enhanced the safety of high rise residential buildings. The Act introduced new duties relating to fire and building safety. It was applicable to the Council's Tenant and Leasehold Service and the Council's management of its social housing stock. This new legislation was designed to enhance the safety of high rise residential buildings; something that was of enormous importance, and significance, both in relation to the timing of this report, coming as it does one day after the anniversary of the terrible events at Grenfell, and in relation to the greater protections that the Council could bring to its

high rise stock. The Council owned 6 high rise residential buildings over 18 metres in height that fell into the scope of this new legislation.

The Act also introduced the requirement of a 'building safety case'. The building safety case was all the information about how the risk of fire spread and the structural safety of a building were managed. The case had to be submitted annually to the new Regulator for building safety to ensure that guidance was being followed. The new Regulator for Building Safety was the Health and Safety Executive. This legislation applied to all high rise buildings, not just those in social housing stock, and tenants in privately owned high rises could and should seek assurances from their landlord/leaseholder that this legislation was being followed, and could contact the Council's Private Sector Housing team if they had concerns.

The building safety case should demonstrate the following:

- Measures being taken to keep the building safe;
- How the measures in place prevent and limit the consequences of a major incident in the building;
- Identify potentially harmful events that show the measures in place would stop or reduce the impact of a major incident (i.e. fire spread or structural failure);
- The approach to ongoing management of the building that ensured those measures remained effective.

The purpose of a building safety case was to collate and record all information about how the risk of fire spread and the structural safety of a building were managed. This was something that the Council already did for each of its high rise buildings, but the Act required a particular format and this information now had to be submitted annually to a new regulator for building safety, which provided further external structure to the internal processes that the Council had been following for some time to guarantee resident safety.

The Act also introduced two new roles and responsibilities for landlords or building owners and these were the Accountable Person and Principal Accountable Person. A recommendation was made on who these should be. Some changes had therefore been made within the Housing team to accommodate the new requirements and these were:

- The introduction of a new post: Building Safety and Compliance Manager - allowing the focus required to ensure the Council was complying with the requirements;
- A review of the council's Fire Risk Assessment Policy due to the building safety Act and changes to the Regulatory Reform Order 2005, in relation to fire safety;
- Enhancements made to the current compliance database to hold new information required by the act.

Members were further advised that the Act also strengthened existing Fire Safety Orders including buildings over 11 metres in height; there were 17 of these within the Council's housing stock. Reflecting the Council's corporate priorities established when the Housing service was brought back in-house, the Act required a significant level of focus on resident involvement and engagement, to ensure that residents feel safe, secure and heard.

Cabinet acknowledged the importance of the ongoing focus on resident involvement with the Resident Involvement Strategy 2022 - 2025 which addressed the requirements of the Building Safety Act 2022. However further engagement and strengthening of that involvement was desirable. Cabinet would be creating a new high rise tenant and leaseholder group, to ensure that the voices of those living within the Council's high rise buildings were heard, and would continue to consult regularly with the existing Tenant

and Leaseholder Group, so that opportunities to feed into these processes were visible, flexible and promoted equality of access.

Councillor Jill Bayford spoke under Council Procedure Rule 20.1.

Councillor Whitehead proposed, Councillor Yates seconded and Cabinet agreed the following:

1. To approve the recommendation to name Thanet District Council as the Accountable person, as described in the Building Safety Act 2022;
2. To approve the recommendation to name the Director of Place as the Principal Accountable Person, as described in the Building Safety Act 2022;
3. To approve the adoption of the revised fire risk assessment policy;
4. To delegate authority to the Director of Place to approve future minor amendments required to the fire risk assessment policy.

12. LOCAL AUTHORITY HOUSING SUPPORT FUND

Members discussed the Local Authority Housing Support Fund and were advised that the Government had recently announced details of a national £500 million scheme to enable local authorities to purchase properties in their area to accommodate both Ukrainian and Afghan refugee households for an initial period of three years. The resettlement of refugees from both Ukraine and Afghanistan had in many ways, lacked the central focus that would provide good support. Adequate funding needed to have been given to Councils with statutory housing obligations to provide for refugees in a way that could provide reliable housing and support those who had experienced war and disruption. This was more so especially in the case of the resettlement schemes linked to Afghanistan where those who provided support to British forces need our support now.

This lack of a foundational approach proved difficult for many Councils to manage, as it had resulted in complex homelessness cases and the use of accommodation that could be considered to be unsuitable to provide for individuals and families whilst they are under the care of the Home Office. The national £500 million scheme would go some way towards remedying this situation. The funding allocation was offered to 182 local authorities in England. Any properties acquired would form part of the Council's housing stock, with the income and expenditure managed within the Housing Revenue Account. The homes could subsequently be used to accommodate households from the Council's housing waiting list. Providing a new and permanent supply of accommodation would help to address local housing and homelessness pressures.

Thanet District Council (TDC) was one of these local authorities, and central government is funding 35 - 40% of the cost of providing 9 properties for this purpose. A Memorandum of Understanding was returned to the Department for Levelling Up, Housing and Communities (DLUHC) in March 2023 which registered the council's interest in the scheme. In order to utilise the grant it would be necessary to match fund the acquisitions with £1.996m of additional borrowing within the HRA capital programme. Members were advised that the properties had to be purchased by 30th November 2023. Any properties acquired would form part of the Council's housing stock, with the income and expenditure managed within the Housing Revenue Account. The fund also supported the growth of the council's housing portfolio in general, which would allow TDC to support more residents in the long term as the homes would subsequently be used to accommodate households from the Council's housing waiting list. This would provide a new and permanent supply of accommodation would also help to address local housing and homelessness pressures.

As a Council, and as a community, the district had a moral duty to do its best to house those who were most vulnerable and Cabinet would do its best to discharge that duty. Currently the Council had 3,470 properties within its housing portfolio, all general needs housing, all used by residents who had been on the housing list. What was being proposed in this report, relating to the very specific requirements of a particular governmental fund, was the purchase of nine homes, all of which would eventually become general needs housing. However initially this accommodation would be for the current usage of refugees from both the Ukraine and Afghanistan, who had arrived in the UK as part of the following government led schemes:

- The Afghan Citizen Resettlement Scheme (including eligible British Nationals under this scheme) (ACRS);
- The Afghan Relocations and Assistance Policy (ARAP);
- The Ukraine Family Scheme (UFS);
- Homes for Ukraine (HFU);
- Ukraine Extension Scheme (UES).

The Council was expected to match fund the balance of acquisitions costs through its own resources. It was proposed that the Council should utilise additional housing revenue account borrowing to match fund the additional homes. The Council had been allocated a provisional grant sum of £1.19 million to facilitate the purchase of nine homes in the district. At least two of these homes were required to have 4 bedrooms. The remaining, up to seven homes were required to be 2 or 3 bedroom homes.

Discussions had taken place with a local housing developer to purchase 6 x 3 bed units and 3 x 4 bed units. The units would be an 'off the shelf' purchase with no refurbishments or adaptations needed. They were nearing completion and would be ready by the end of June 2023. The mix of units met the requirements of the grant, as at least two were four bedroom homes.

Councillor Bayford spoke under Council Procedure Rule 20.1.

Councillor Whitehead proposed, Councillor Yates seconded and Cabinet agreed:

1. To recommend to the Full Council that the £1.19m of grant and £1,996m HRA match funding is included in the HRA capital programme;
2. To receive a further report to approve the expenditure and the acquisition of 9 homes.

POST MEETING NOTE: Please note that Recommendation 1 in the report has a clerical error. It should read "To recommend to the Full Council that the **£1.19m** of grant and £1,996m HRA match funding is included in the HRA capital programme" and **NOT** "To recommend to the Full Council that the **£1.119m** of grant and £1,996m HRA match funding is included in the HRA capital programme."

13. VEHICLE REPLACEMENT PROGRAMME

Cabinet considered a recommendation to approve the spending from the agreed £2.115m of allocated budget for 2023/24 on the purchase of 4 x 12tonne replacement refuse vehicles that had reached the end of their useful life. These purchases had been considered in line with the Council's agreed Net Zero strategy. Where possible and based on advances in technology, the council would have allowed for electric vehicles and the additional associated cost of these. However due to constraints related to the current infrastructure, vehicle range and requirements, it would not be possible to purchase these particular vehicles as diesel alternatives.

The vehicle replacement programme for this financial year assumed where possible, that electric vehicles would be acquired. This would mean purchasing tried and tested vehicles that had proven to be fit for purpose. In this particular phase this would predominantly be car derived vans and other smaller vehicles up to 7 and a half tonnes. A further, more detailed report on this would be brought back to Cabinet in due course. To support this approach, work was currently underway to establish the full extent of the infrastructure investment required to support the electrification of the Council fleet moving forward.

Councillor Rogers and Councillor Austin spoke under Council Procedure Rule 20.1.

Councillor Albon proposed, Councillor Yates seconded and Cabinet approved Option 1 of the report to purchase 4 x 12t vehicles from the allocated £2.155m from this year's approved capital programme budget on the purchase of replacement vehicles.

14. UK SHARED PROSPERITY FUND UPDATE

Cabinet discussed the update report on UK Shared Prosperity Fund and acknowledged that Thanet was allocated just over £1.1m to spend until March 2026 to deliver the proposals within the UK Shared Prosperity Fund. The Cabinet noted the inclusion of the capital element into the Council's capital programme.

This funding programme was meant to be replacing the EU funds, which Thanet previously benefited from and the funding allocation was via an agreed formula. Members also noted that it was likely that further funding would be required to ensure that the impact of the funding made a difference to local communities.

Members further considered the priorities for the funding which were linked directly back to the guidance set out by central government. The budget would be re-profiled and the mapping work that was being commissioned would inform this process. A Members briefing session on Tuesday, 20 June 2023 would be held where officers would present further information about the programme and what the next steps would be.

Members were requested to help inform the voluntary, community and social enterprise mapping through advising on who was in their respective wards and share widely the information that the council was going to forward to Members.

Councillor Pugh and Councillor Austin spoke under Council Procedure Rule 20.1.

Councillor Duckworth proposed, Councillor Yates seconded and Cabinet agreed the following:

1. To note the amended capital programme including the capital element of the UK Shared Prosperity Fund;
2. The commencement of procurement activities that exceed £250,000 in order to deliver the UK Shared Prosperity Programme as outlined in Section two - Thanet's UK Shared Prosperity Fund programme;
3. That the Head of Regeneration and Growth is authorised to agree appropriate contracts and spend in collaboration with the Cabinet Member for Regeneration and Property in order to deliver the projects within the Council's processes and procedures.

15. PROCUREMENT OF A CCTV INSTALLATIONS, REPAIR AND PREVENTATIVE MAINTENANCE CONTRACT

Cabinet considered proposals for the procurement of a CCTV installation, repair and preventative maintenance contract. Thanet District Council was committed to improving the environment and improving community safety. Directly relating to this commitment was the Council's ability to reduce crime and the impact of criminality on the district and address anti-social behaviour and related fly tipping complaints. An operational CCTV system was central to delivering this commitment with 533 CCTV cameras across towns, housing stock and council owned sites.

The current CCTV contract that covered installations, planned and preventative maintenance that was awarded through a Crown Commercial Service Framework was due to expire. The Council would like to make use of Crown Commercial Service Framework again as the method to procure services for CCTV in relation to Public Space Surveillance Systems along with housing CCTV and council building CCTV.

The value of the contract under the duration of terms was £650,000 (six hundred and fifty thousand pounds). Cabinet was asked to exercise its powers and approve the recommendation for use of a Crown Commercial Service Framework as the method to place a direct award to British Telecommunications plc in relation to CCTV services inclusive of installations and Repairs/Maintenance for a minimum period of three years.

Councillor Keen proposed, Councillor Yates seconded and Cabinet agreed that the use of Crown Commercial Service Framework (RM3808) LOT 12 be agreed as the method to place a direct award to British Telecommunications plc in relation to CCTV services around Public Space Surveillance Systems/ housing stock CCTV and corporate asset CCTV inclusive of installations and Repairs/Maintenance for a minimum period of 3 years.

16. CORPORATE PERFORMANCE Q4 2022-23

Cabinet received the corporate performance report for Quarter 4 (as at end of March 2023). This report set out, as part of the council's corporate performance process, 39 key performance indicators which were monitored to provide an indication of how the council is performing. These indicators do not look at every aspect of the Council's services and the data that the Council collected provided an overview of progress against the Council's key corporate priorities. Other data was also collected and monitored at a service level.

Performance management was a key part of the corporate governance process and adds value by helping to ensure accountability of the performance of the Council's services against the corporate objectives. This helps to encourage enhanced accountability and continuous corporate improvement. The data for most of the corporate indicators was now available to view [on our website](#) at any time.

Six monthly reports of the Council's Corporate Performance were regularly shared with the Overview and Scrutiny Panel and the Cabinet to provide an opportunity to more regular reviews of the direction of travel of the Council's key service areas. This would allow sufficient time for actions and issues to be resolved between committee meetings and as the data for the corporate performance indicators was on the website.

The data is captured within a format which aims to provide the public with clear and easy to access information on how key services are performing. Detailed graphs are also included to give a wider view of the direction of travel for each indicator. The Overview and Scrutiny Panel reviewed this report at their meeting on 30 May.

Councillor Everitt proposed, Councillor Albon seconded and Members agreed to note the latest corporate performance for Quarter 4 (March 2023).

17. Q3 AND Q4 TENANT AND LEASEHOLDER PERFORMANCE REPORT

Cabinet considered the tenant and leaseholder services quarterly report. This report was also considered by the Overview and Scrutiny panel as was required by the Council's Landlord Compliance Policies and allowed the opportunity for early intervention should any performance issues arise. Members were advised that performance for 5 of the 6 Landlord Health and Safety Compliance work-streams remained steady at 100%. These work streams operated as business as usual and the teams worked to complete outstanding actions within set timeframes.

The compliance for domestic electrical safety certificates had remained at around 90% for most of this financial year. The service had ensured that certificates were renewed at the end of their 5 year cycle, but had struggled to completely clear the backlog of certification works. Access to properties had been an issue and a cause of delays in certification, and processes were now in place to ensure that certifications would be completed. Additional resources and stronger contract management had been deployed to address the backlog and the position is starting to improve during Q3 and Q4. Operational performance had seen some success and there were areas that were being actively improved.

Q3 saw the usual trend of a fall in performance for partnering contractors and their customer satisfaction, due to increased demand over the winter months. Both contractors recovered in Q4, Mears finishing the year with 90.3% customer satisfaction. The contract with Gas Call, the partnering contractor for gas appliance repairs and gas compliance programme, came to an end on 31/3/23. A new contractor was successful in the recent procurement exercise and BSW started as the new gas contractor on 1/4/23.

The capital budget spend had been disappointing this year, due to key contractors going into administration. The team was procuring replacement contracts which were set to be in place this financial year. There had been significant success in improving void turnaround performance and in reducing arrears. This was a huge success for the team who had steadily reduced arrears despite a very difficult operating environment; meaning arrears were 2% lower now than when the service transitioned from East Kent Housing in October 2020 which indicated outstanding support for residents and performance from the team considering the significant financial and cost of living challenges that have marked the last year.

Councillor Bayford spoke under Council Procedure Rule 20.1.

Councillor Whitehead proposed, Councillor Yates seconded and Cabinet agreed to note the contents of the report.

Meeting concluded: 7.57 pm

Purchase of 42 Homes at Spitfire Green for Affordable Rent

Cabinet	27th July 2023
Report Author	Ashley Jackson, Housing Strategy and Projects Manager
Portfolio Holder	Cllr Helen Whitehead, Deputy Leader and Cabinet Member for Housing
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Budget
Ward:	Thanet Villages

Executive Summary:

Following approval at Council of the accelerated affordable housing development programme, and the decision to include an additional £7.485m in the HRA capital programme, this report seeks the approval to purchase 42 section 106 units.

Recommendation(s):

Cabinet is being asked to agree to:

1. The purchase of 42 new affordable homes, using the additional capital budget, approved by council at its meeting on 13 July 2023;
2. The letting of these homes in accordance with the council's Allocations Policy, at an affordable rent as set out in the council's Tenancy Strategy.

Corporate Implications

Financial and Value for Money

The detailed financial implications are set out in the body of this report. Notably, the financial modelling undertaken has demonstrated that across the long-term the HRA business plan will benefit from the proposed acquisitions.

Legal

Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the Planning and Compensation Act (1991) and the Community Infrastructure Levy Regulations 2010 (as amended), provides the legislative framework for planning obligations. The Council has acted in accordance with this legislation.

Risk Management

Acquisition and development activity has within it inherent risks. Officers strive to identify and manage risk at each stage of projects. The acquisition project will have a risk register that is reviewed throughout the lifecycle of the project by the Housing Strategy & Projects Team. Risks around acquisition activity are sought to be mitigated through regular review and the appointment of professional expertise to provide legal due diligence, and accredited valuation advice to ensure value for money, in terms of the cost of the project.

Corporate

This proposal supports the Council Corporate Statement 2019-2023 , Communities. Work to prevent homelessness and increase housing options including additional social housing.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

An Equalities Impact Assessment has been completed in respect of this proposal. The new homes will be let in line with the council's allocations policy, which has had an Equalities Impact assessment completed.

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 Council has recently approved an accelerated affordable housing development programme of at least 400 new homes, constructed or acquired, by 2027.

- 1.2 Section 106 of the Town and Country Planning Act 1990 provides an opportunity for local planning authorities to negotiate with housing developers for the provision of affordable housing, on qualifying sites. The council's local plan policies set out a preference for these requirements to be discharged through the provision of affordable homes within the application site.
- 1.3 These agreements require developers to transfer completed homes to an affordable housing provider at a value that makes an affordable rent viable. This means that the developer effectively provides the necessary subsidy in the form of a discounted purchase price below market value. Officers have been contacted by a number of developers who have been unable to secure an affordable housing provider partner to purchase section 106 units and deliver affordable homes.
- 1.4 Failure to secure an affordable housing delivery partner can lead to developers requesting that the S106 agreement be amended to provide a commuted sum in lieu of on site homes.

2.0 Spitfire Green

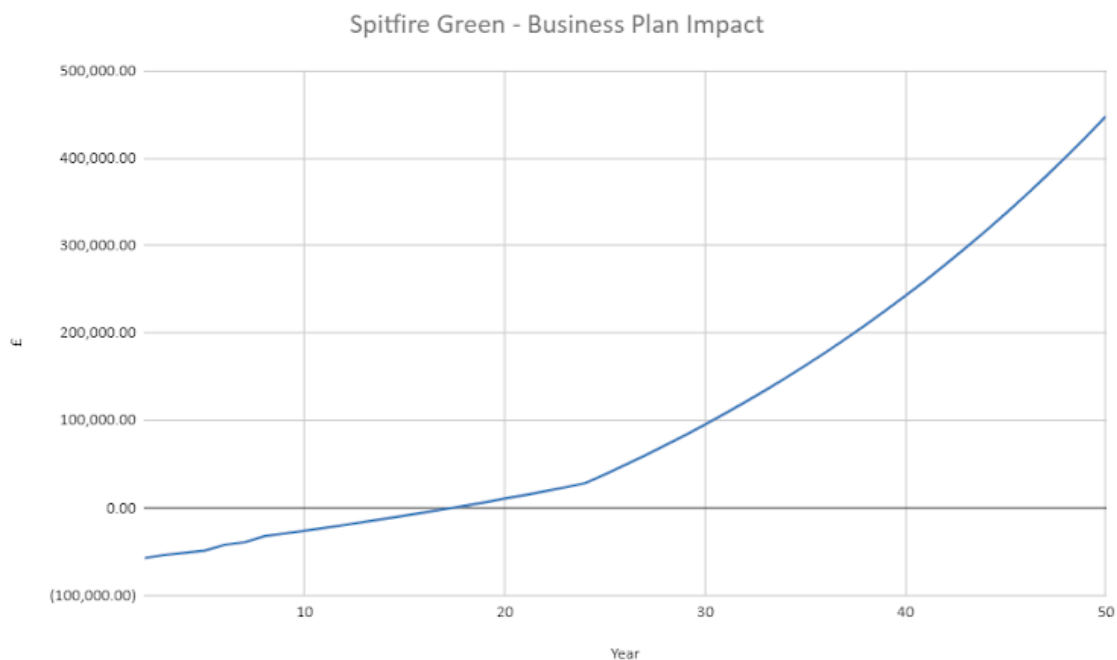
- 2.1 Officers were contacted by BDW (Barretts) Homes, who are required to deliver 42 new affordable homes, as part of their development at Spitfire Green, Westwood. This requirement is set out in the section 106 obligations for the development. They have been unable to secure an affordable housing provider to deliver these homes.
- 2.2 The capital cost for the 42 homes is £5m.
- 2.3 Officers have developed a detailed viability assessment tool to assess the viability of individual schemes, which is used to inform a go/no-go decision for individual proposals. It is essential for the viability of the overall HRA programme that only schemes that have a positive impact on the HRA Business Plan are delivered.
- 2.4 To be viable, schemes need to show an overall surplus over a 30 or 50 year timescale, depending on the duration of any borrowing. The assessment tool operates like a mini business plan and takes into account all relevant costs and income, including rent income, capital costs, professional fees and project management, the costs of borrowing and management, maintenance costs and depreciation over the lifetime of the homes. A summary of the income and costs for the proposed purchase are shown in the table below.

Year	1	2	3	4	18
Revenue Income					
Rental income	(259,536.37)	(259,536.37)	(270,696.43)	(277,355.56)	(419,525.17)
Revenue Costs					
Management					
Contribution	6,720.00	7,056.00	7,408.80	7,779.24	10,264.54
Revenue Repairs	3,192.00	3,351.60	7,038.36	7,390.28	68,259.20
Major Repairs (Capital contrib)	58,380.00	61,299.00	64,363.95	67,582.15	89,173.21

Agenda Item 4

Insurance	8,400.00	8,820.00	9,261.00	9,724.05	12,830.68
Saving before MRP and interest	(182,844.37)	(179,009.77)	(182,624.32)	(184,879.85)	(238,997.54)
Interest on debt	236,845.00	236,845.00	236,845.00	236,845.00	236,845.00
Net cost/(saving)	54,000.63	57,835.23	54,220.68	51,965.15	(2,152.54)

- 2.5 This shows that the proposed purchase would generate a cash flow deficit in year 1 of £54k with a break even point in year 18, with surpluses accumulating between year 18 and year 50. The project shows a surplus over a 30 to 50 year period, and a cash flow summary is shown in the table below:



- 2.6 As the homes have been designated as affordable homes in the planning consent and section 106 agreement, they have been designed specifically for that purpose and accordingly are considered appropriate for the HRA, in line with the needs of households on the council's register or those living in temporary accommodation. There is a significant level of need for 1 bedroom homes, as well as for larger family homes.
- 2.7 The unit sizes and the mix of dwellings are as follows:
- 33 x 1 bed flats
 - 4 x 2 bed houses
 - 1 x 2 bed flat
 - 4 x 3 bed flat
- 2.8 A provisional offer of £5m has been made to the developer and subject to contract, legal due diligence, formal valuation and full approval this offer has been accepted.
- 2.9 It is proposed that the new homes are let in accordance with the council's adopted allocations policy. It is also proposed that they are let at an affordable rent, in line with

the council's approved Tenancy Strategy. The Tenancy Strategy defines an affordable rent, as a rent that is no more than 80% of the local market rent and does not exceed the relevant Local Housing Allowance rate. As a Registered Social Landlord the council is required to consult with Homes England and the Regulator for Social Housing about its rent policy.

3.0 Options

- 3.1 To approve the purchase of 42 S106 units, and delegate authority to officers to conclude the due diligence and complete the purchase.
- 3.2 Do not purchase the Section 106 units, which would mean that the developer would negotiate a commuted sum, losing the affordable housing units.

Contact Officer: Ashley Jackson, Housing Strategy & Projects Manager
Reporting to: Bob Porter (Director of Place)

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Chris Blundell (Director of Corporate Services - Section 151)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

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Local Authority Housing Fund: Purchase of 9 Homes

Cabinet	27th July 2023
Report Author	Ashley Jackson, Housing Strategy and Projects Manager
Portfolio Holder	Cllr Helen Whitehead, Deputy Leader and Cabinet Member for Housing
Status	For Decision
Classification:	Unrestricted
Key Decision	Yes
Reasons for Key	Budget
Ward:	All Wards

Executive Summary:

The Government allocated £1.19m of Local Authority Housing Fund (LAHF) grant to Thanet. The funding is to facilitate the purchase of nine properties to temporarily accommodate Ukrainian and Afghan refugees.

A Memorandum of Understanding was returned to the Department for Levelling Up, Housing and Communities (DLUHC) in March 2023 which registered the council's interest in the scheme. In order to utilise the grant it was necessary to match fund the acquisitions with £1.245m of borrowing within the HRA capital programme, this was approved at Cabinet on 15th June. The properties have been identified and must be purchased by 30th November 2023.

Business plan modelling shows that the scheme generates a surplus from year 1 due to the grant subsidy. This surplus could be used to subsidise other parts of the Affordable Homes Programme.

Recommendation(s):

Cabinet is being asked to:

1. Agree to purchase 9 units using the £1.19m of Local Authority Housing Fund grant and £1.245m HRA match funding included in the HRA capital programme.

Corporate Implications

Financial and Value for Money

The Council has considered the financial implications of the purchase of the 9 units. The Council will have on-going borrowing and maintenance costs that will be offset via the rental income generated from the purchased units.

The financial modelling undertaken has demonstrated that the HRA business plan will benefit from the proposed acquisitions.

Legal

The grant provided to the local authority is pursuant to section [31(3) and] 31(4) of the Local Government Act 2003, whereby the Secretary of State has determined that the grant will be paid subject to the condition in Annex B of the schedule.

The main condition of the grant is that it will only be used for the purposes that a capital receipt in accordance with regulations made under section 11 of the Local Government Act 2003.

<https://www.gov.uk/government/publications/local-authority-housing-fund/local-authority-housing-fund-grant-determination-capital-2022-23-316497>

The law states that Provided that the use of the property (or at least, that part of it which will be funded with subsidy) is regarded as the provision of social housing (as defined in s68 onwards of the Housing and Regeneration Act 2008), and expenditure is incurred on or after 15/03/2023, the transaction would be exempt from SDLT under s71 of the Finance Act 2003 which would be advantageous to the authority.

In addition to the above, the Council has a general power under section 1 of the Localism Act 2011 to do anything that an individual may generally do provided it is not prohibited by other legislation and the power is exercised in accordance with the limitations specified in the Act. The council is therefore able to accept and receive the funds and utilise it in line with the government guidelines.

Risk Management

The potential risks and implications associated with the grant are as follows

- The target date for completion is challenging and failure to deliver homes within the 2023/24 financial year may lead to funding being clawed back. This can be mitigated by purchasing completed homes on existing developments.

Risks to not taking the funding are

- We risk losing the opportunity to add affordable housing stock to our portfolio.
- We risk not meeting the housing needs of the funds eligible households and fulfilling statutory functions.
- We risk not meeting wider housing and homelessness pressures.
- We risk the increasing the use of inappropriate and expensive temporary accommodation in particular bed and breakfast.

Corporate

This proposal supports the Council Corporate Statement 2019-2023 , Communities. Work to prevent homelessness and increase housing options including additional social housing.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

An Equalities Impact Assessment has been completed in respect of this proposal. The assessment indicated that the proposals would help support the needs of a community with protected characteristics on the grounds of race and nationality and help to foster good relations. In the first instance these new homes will be let to qualifying Ukrainian or Afghan (see section 102). Subsequently they will be let in line with the council's allocations policy, which has had an Equalities Impact assessment completed.

Corporate Priorities

This report relates to the following corporate priorities: -

- Communities

1.0 Introduction and Background

1.1 The Government has recently announced details of a national £500 million scheme to enable local authorities to purchase properties in their area to accommodate both Ukrainian and Afghan refugee households for an initial period of 3 years. The properties acquired will form part of the Council's Housing Revenue Account and can subsequently be used to accommodate households from the Council's housing waiting list by providing a new and permanent supply of accommodation which will help to address local housing and homelessness pressures. The Council is required to complete all the property purchases by 30th November 2023

1.2 Those eligible for the homes provided will be those who are homeless, at risk of homelessness or who live in unsuitable Temporary Accommodation (including bridging accommodation) and who also meet the below Definition:

- Afghan Citizen Resettlement Scheme (including eligible British Nationals under this scheme) (ACRS),
- Afghan Relocations and Assistance Policy (ARAP),
- Ukraine Family Scheme (UFS),
- Homes for Ukraine (HFU),

- Ukraine Extension Scheme (UES)

1.3 It is proposed that the homes are let at an affordable rent, in line with the council's approved Tenancy Strategy. The Tenancy Strategy defines an affordable rent, as a rent that is no more than 80% of the local market rent and does not exceed the relevant Local Housing Allowance rate. As a Registered Social Landlord the council is required to consult with Homes England and the Regulator for Social Housing about its rent policy.

2.0 TDC Allocation

2.1 The Council was allocated a grant sum of £1.19 million to facilitate the purchase of nine homes in the districts. At least two of the homes are required to have 4 bedrooms. The remainder (up to 7 homes) are required to be 2 or 3 bedroom homes.

2.2 The council signed the Memorandum of Understanding which registered our interest in the scheme. This allowed us time to see if there were units available which would be suitable. It would not have been possible to undertake refurbishments on dilapidated properties, purchase empty properties or purchase non-residential properties, due to such a short timescales for the grant funding.

2.3 Full council considered a report at its meeting on 13 July 2023, setting out its ambitions for the construction and acquisition of new homes. This scheme was considered as part of the report and council agreed to include both the £1.19m grant and £1.245m match funding within the HRA capital programme..

2.4 Discussions have taken place with a local developer currently developing the Westwood Cross site to purchase 6 x 3 bed units and 3 x 4 bed units. The units will be an 'off the shelf' purchase with no refurbishments or adaptations needed. They are nearing completion and will be ready by the end of June 2023. The mix of units meets the requirements of the grant, as at least two are four bedroom homes. The developer has accepted a provisional offer, subject to approval of £2.4m. This is 80% of Market Value.

2.5 We have run this through our business plan modelling and the scheme generates a surplus for the HRA business plan from year 1 due to the grant subsidy.

3.0 Options

3.1 To agree to approve the recommendation to purchase 9 units using the £1.19m Local Authority Housing Grant and £1.245m HRA match funding from the already approved Phase 4 New build scheme in the HRA capital programme.

3.2 Alternatively Council could decide to not purchase the identified units as part of the Local Authority Housing Fund. This option is not recommended as it would require the council to seek alternative units, which would put our compliance to complete on purchases by 30th November at risk. We would then have to advise the central government that we are unable to participate in the scheme and the allocated grant funding will not be taken up.

Contact Officer: Ashley Jackson, Housing Strategy & Projects Manager
Reporting to: Bob Porter (Director of Place)

Annex List

None

Background Papers

None

Corporate Consultation

Finance: Clive Bowen (Finance Manager)

Legal: Sameera Khan (Interim Head of Legal & Monitoring Officer)

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Representation on Executive Appointed Outside Bodies for 2023/24

Cabinet	27 July 2023
Report Author	Charles Hungwe, Deputy Committee Services Manager
Portfolio Holder	Councillor Everitt, Leader of Council
Status	For Decision
Classification:	Unrestricted
Key Decision	No
Ward:	Thanet Wide

Executive Summary:

This report informs Cabinet of the Leader's choice of appointments to the Executive outside bodies.

Recommendation(s):

That Cabinet agrees the list of nominations to the Executive-related outside bodies as shown at Annex 1 of the report.

Corporate Implications

Financial and Value for Money

There were no financial implications arising directly from this report.

Legal

There were no legal implications arising directly from this report. Cabinet is the decision making body only for making nominations to existing Bodies agreed by Council. Any newly proposed Outside Bodies would need to be agreed at Full Council.

Risk Management

There were no risk implications arising directly from this report.

Corporate

The Council appoints representatives to outside bodies in order to express the views of the Council to those bodies on the work they undertake, and to feed back to the Council issues emerging from those bodies that relate to Council activities.

Equality Act 2010 & Public Sector Equality Duty

Members are reminded of the requirement, under the Public Sector Equality Duty (section 149 of the Equality Act 2010) to have due regard to the aims of the Duty at the time the decision is taken. The aims of the Duty are: (i) eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act, (ii) advance equality of opportunity between people who share a protected characteristic and people who do not share it, and (iii) foster good relations between people who share a protected characteristic and people who do not share it.

Protected characteristics: age, sex, disability, race, sexual orientation, gender reassignment, religion or belief and pregnancy & maternity. Only aim (i) of the Duty applies to Marriage & civil partnership.

This report relates to the following aim of the equality duty: -
(Delete as appropriate)

- To eliminate unlawful discrimination, harassment, victimisation and other conduct prohibited by the Act.
- To advance equality of opportunity between people who share a protected characteristic and people who do not share it
- To foster good relations between people who share a protected characteristic and people who do not share it.

No implications arise directly but the Council needs to retain a strong focus and understanding on issues of diversity amongst the local community and ensure service delivery matches these.

It was important to be aware of the Council's responsibility under the Public Sector Equality Duty (PSED) and show evidence that due consideration has been given to the equalities impact that may be brought upon communities by the decisions made by Council.

Corporate Priorities

This report relates to the following corporate priorities: -

- Growth
- Environment
- Communities

1.0 Introduction and Background

1.1 It was agreed at the meeting of Council on 24 February 2011 that any list of outside bodies would be split into two lists: those outside bodies that relate to an Executive function and hence should be appointed by the Cabinet and those that are appointed by Council.

1.2 It is for Council to decide on those outside bodies it feels relate to an Executive function and hence should have a Cabinet Member appointed to them, but for Cabinet to agree the nominations to those outside bodies.

1.3 The Leader's delegated powers were amended to allow him to propose his nominations for the Executive outside bodies to the Cabinet.

2.0 The Current Situation

- 2.1 Council agreed the list of Executive outside bodies and the number of Councillors to be appointed to them, as described at paragraph 1.2 of this report at its Annual meeting on 18 May 2023. That list is appended at Annex 1 to the report.
- 2.2 The Leader has provided Democratic Services with his list of nominations to the Executive outside bodies and those names are included in the list at Annex 1 of the report.

3.0 Options

- 3.1 Cabinet could agree the Leader's nominations of council's representatives on the executive appointed outside bodies or
- 3.2 Members could make suggestions for the Leader to consider before agreeing on the nominations.

4.0 Next Steps

- 4.1 Once Cabinet agrees the council's nominations to the executive appointed outside bodies, Democratic Services would then communicate that information to the respective bodies.

Contact Officer: (Charles Hungwe, Deputy Committee Services Manager)
Reporting to: (Nick Hughes, Committee Services Manager)

Annex List

Annex 1: List of Executive Appointed Outside Bodies for 2023/24

Background Papers

None

Corporate Consultation

Finance: Chris Bluendell, Director of Corporate Resources and S151 Officer
Legal: Sameera Khan, Interim Head of Legal and Monitoring Officer

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Proposed List of Executive Appointed Outside Bodies – for the municipal year 2023/24

Name of Outside Body	No. of Reps	Member
British Ports Association	1	Cllr Everitt
Community Safety Partnership (Thanet)	1	Cllr Keen
East Kent Opportunities Ltd	1	Cllr Yates
East Kent Spatial Development Company	1	Cllr Everitt
Kent Police and Crime Panel	1	Cllr Makinson
Local Government Association Coastal Special Interest Group	1	Cllr Albon
Local Government Association District Councils' Network	1	Cllr Everitt
Local Government Association General Assembly	1	Cllr Everitt
Local Government Association Strategic Aviation Specialist Interest Group	1	Cllr Everitt
Manston Skills and Employment (MSE) Board	1	Cllr Yates
South East England Councils	1	Cllr Everitt
Thanet (Ramsgate) Harbour Users' Groups	1 (+1 reserve)	Cllr Everitt (reserve: Cllr Albon)
Tourism South East	1	Cllr Duckworth
Your Leisure Thanet Sub Group	2	Cllr Everitt/Cllr Whitehead

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