

Cabinet

Held at:	Council Chamber - Civic Centre Folkestone
Date	Wednesday, 12 July 2023
Present	Councillors Mike Blakemore, Polly Blakemore, Gary Fuller, Jim Martin (Chairman), Tim Prater (Vice-Chair), Rebecca Shoob and Jeremy Speakman
Apologies for Absence	Councillors Rich Holgate and Stephen Scoffham
Officers Present:	Samuel Aligbe (Chief Officer - Corporate Estate and Development), Gavin Edwards (Performance and Improvement Specialist), Olu Fatokun (Low Carbon Senior Specialist), Ewan Green (Director of Place),, Martin Kerslake (Carbon Advisor), Amandeep Khroul (Assistant Director), Daniella Loxton (Capital & Treasury Senior Specialist), Fred Miller (Transportation Lead Specialist), Lydia Morrison (Interim S151 Officer), Ola Owolabi (Chief Financial Services Officer), Susan Priest (Chief Executive), Hazel Sargent (Planning Policy Specialist), Jonathan Smith (Senior Accountant), Adrian Tofts (Strategy, Policy & Performance Lead Specialist), Jemma West (Democratic Services Senior Specialist) and David Whittington (Strategy & Policy Senior Specialist)
Others Present:	Councillor Laura Davison (Folkestone & Hythe District Council) and Councillor Connor McConville (Folkestone & Hythe District Council) Andy Jarrett (Managing Director – Otterpool Park LLP) Gary Ridgewell (Construction Director - Otterpool Park LLP), Ron Henry (Stantec)

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is Friday 21 July at 5pm. Decisions not called in may be implemented on Monday 24 July 2023.

4. **Declarations of Interest**

Councillor Shoob declared a Disclosable Pecuniary Interest in respect of Solar Park Opportunity – Lympe (Minute No 16) and Otterpool Park LLP –

Appointments to the Otterpool LLP (Minute No 18) due to her role as a Director of the Otterpool Park LLP Board. She indicated she would leave the Chamber during consideration of these items.

5. **Minutes**

The minutes of the meeting held on 14 June were submitted, approved, and signed by the Leader.

6. **General Fund Revenue 2022/23 Provisional Outturn**

The report summarised the 2022/23 provisional outturn position (subject to external audit) for the General Fund revenue expenditure compared to the approved budget for the council.

Proposed by Councillor Prater,
Seconded by Councillor M Blakemore; and

RESOLVED:

1. **That report C/23/08 be received and noted.**
2. **That the carry forward of £1,253k unspent 2022/23 budgets to be allocated to the Carry Forward ear marked reserve be approved.**
3. **That it be noted that the provisional underspend of £993k will be transferred to overall General Fund working balances.**

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations because Cabinet needs to be informed of the council's General Fund revenue 2022/23 final outturn position.

7. **General Fund Capital Programme Provisional Outturn 2022/23**

The report provided the provisional outturn of the current financial position for the General Fund capital programme in 2022/23, based on expenditure to 31 March 2023, and identifies variances compared to the latest approved budget.

Proposed by Councillor Prater,
Seconded by Councillor Fuller; and

RESOLVED:

That report C/23/07 be received and noted.

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations because it needs to be kept informed of the General Fund capital programme outturn position and be appraised of any variations from the approved budget.

8. **Housing Revenue Account Revenue and Capital Financial Outturn 2022/23**

The report summarised the 2022/23 provisional outturn position (subject to audit) for the HRA revenue expenditure and HRA capital programme compared to both the latest approved budget and quarter 3 projections.

Proposed by Councillor Prater,
Seconded by Councillor Shoob; and

RESOLVED:

- 1. That report C/23/14 be received and noted.**
- 2. That the carry forward of £77k unspent 2022/23 revenue and £3,354k capital budgets (see paragraph 2.2.10) be approved.**

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations because it is essential that it is kept informed of the Housing Revenue Account final 2022/23 position.

9. 2022-23 Annual Performance Report and Draft KPIs 2023-24

The report set out how the Council has delivered for local people in the district in 2022-23 in relation to the priorities documented within its Corporate Plan 'Creating Tomorrow Together' (2021-30) and presented amendments to Key Performance Indicators (KPIs) that will be used to monitor progress during the 2023-24 year.

Proposed by Councillor Prater,
Seconded by Councillor P Blakemore; and

RESOLVED:

- 1. That report C/23/09 be received and noted.**
- 2. That the 2022-23 Annual Performance Report set out in appendix 1 be noted.**
- 3. That the end of year performance data for the 2022-23 year set out in appendix 2 be noted.**
- 4. That the proposed amendments to KPIs for monitoring during the 2023-24 year set out in appendix 3 be noted.**
- 5. That a further KPI be included within the housing section, which looks to measure how many houses the Council can get to EPP C either through the decarbonisation fund or the Councils own Housing Revenue Account.**

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

- a)** The Council is committed to monitoring performance across all its corporate service ambitions to ensure progress and improvement is maintained.
- b)** The Council needs to ensure that performance is measured, monitored and the results are used to identify where things are working well and where there are failings and appropriate action needs to be taken.

10. **Information Governance - Data breaches update**

At the meeting of the Finance and Performance Scrutiny Sub-Committee held on 7 March 2023, the Sub-Committee recommended that a report be brought before Cabinet to provide detail around the reported data breaches, and the measures put in place in order to prevent further breaches going forward. On 24 March 2023, Cabinet endorsed this recommendation.

Proposed by Councillor Fuller,
Seconded by Councillor Prater; and

RESOLVED:

1. **That report C/23/12 be received and noted.**

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet are asked to note the report in order to offer reassurance that the authority is taking measures to reduce the number of data breaches.

11. **Princes Parade hoardings - Next Steps**

The report sought Cabinet approval to allocate funds from the existing Princes Parade implementation budget to scope out the steps required to remove the hoarding from the site. The report also informed Cabinet of the associated immediate actions that need to be addressed following their express desire to re-scope the place-shaping activities on the site.

Proposed by Councillor J Martin,
Seconded by Councillor Prater; and

RESOLVED:

1. **That report C/23/16 be received and noted.**
2. **That the environmental and cost estimate reports are funded from the existing Princes Parade implementation budget for 2023/24, in order that the implications of removing the hoarding are fully understood.**
3. **That the Director of Housing & Operations be authorised to terminate any unnecessary contracts outlined in section 4 of the report and negotiate exit fees.**
4. **That, as analysis concludes, the Leader with consultation with the portfolio holders for finance and for communities, will consider a report which will outline the implications, required actions, costs and budget available to remove the hoarding and consultation next steps.**
5. **That a further report be prepared for Cabinet in due course following the public engagement on the options for the future use of the site.**

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

The new administration has expressed their desire to remove the site hoardings as soon as practicable, and to consult with the community and their representatives on the end-uses for the Princes Parade site. As a first step officers need to procure the necessary technical input to report on the ground conditions to specify the actions and costs required to remove the hoardings to re-open part / all of the site to the public.

12. **Green and Blue Infrastructure Action Plan**

The Green and Blue Infrastructure Strategy is an evidence base document for the local plan and other future planning documents, as well as being a material consideration for planning applications. It could also provide information for other initiatives and joint working. The Strategy has been subject to engagement and consultation with specific groups, organisations and Councillors since work commenced and this led to the publication of a Priorities and Opportunities Summary document for a final district wide consultation earlier in the year. The report provided a summary of the representations received and the proposed changes to the Strategy.

Proposed by Councillor J Martin,
Seconded by Councillor M Blakemore; and

RESOLVED:

1. That report C/23/10 be received and noted.
2. That Cabinet approves:
 - i) The proposed changes to the Green & Blue Infrastructure Strategy (see Section 4); and
 - ii) The use of the Green and Blue Infrastructure Strategy and the draft Green and Blue Infrastructure Strategy Priorities and Opportunities Summary document as set out in Section 5.

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

So that Cabinet can approve the proposed changes and the use of the documents as part of the Local Plans evidence base. The documents may also be used to identify joint working opportunities and to prioritise future actions.

13. **Draft District-wide Carbon Plan**

A draft District-wide Carbon Plan is being prepared for the council to play a leadership role in promoting partnerships for a carbon neutral district, as set out in the council's climate change and ecological emergency declaration. The report presented the draft District-wide Carbon Plan to Cabinet to seek approval to consult on the plan.

The Cabinet Members thanked former Councillor Lesley Whybrow for all her work on the plan during the previous administration.

Proposed by Councillor J Martin,
Seconded by Councillor Speakman; and

RESOLVED:

1. That report C/23/15 be received and noted.
2. That it be noted that the work on the Carbon Innovation Lab and Sustainable Futures Forum is already underway (Appendix 1).
3. That the draft District-wide Carbon Plan be agreed for public engagement (Appendix 2), subject to any amendments agreed through recommendation 5.
4. That the proposed approach to public engagement and draft consultation questions (Appendix 3) be agreed subject to any amendments agreed through recommendation 5.
5. That the Policy & Performance Lead Specialist in consultation with the Cabinet Member for Climate, Environment and Biodiversity, be given delegated authority to make any amendments to the District-wide Carbon Plan and consultation questions to reflect the comments of Overview and Scrutiny Committee and Cabinet, prior to public engagement.

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

To progress with the climate change and ecological emergency declaration requirement "To develop a strategy for Folkestone and Hythe District Council to play a leadership role in promoting community, public and business partnerships for this Carbon Neutral 2030 Commitment throughout the District".

14. **Electric Vehicle Charging Points**

The report provided an update on the off-street EV charging points rollout and made recommendations for further chargepoints to be introduced at on-street sites.

Proposed by Councillor P Blakemore,
Seconded by Councillor M Blakemore; and

RESOLVED:

1. That report C/23/13 be received and noted.
2. That a joint on-street EV charger trial with KCC to test and fully understand the on-street EV charger delivery be agreed.
3. That the choice of locations for the trial be agreed by the Cabinet Member for Transport.
4. That officers continue to engage with KCC to understand the potential for joint working ahead of a potential larger LEVI roll out by KCC in the coming months and years.
5. That officers report the outcome of the trial with recommendations ahead of the potential larger LEVI roll out by KCC.
6. That the choice of locations for the trial be agreed by the Cabinet Member for Transport in consultation with ward, parish and town Councillors.

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations because:

1. Installing further EV charging points on-street will help to meet the growing demand for publicly available chargepoints across the district.
2. Additional charging points will help contribute to the council's actions to reduce carbon emissions to net zero by 2030.
3. In many parts of the district, private off-street parking is unavailable to residents. By installing chargepoints on-street, residents without private off-street parking can enjoy the benefits of charging their electric vehicles at home.

15. **Housing and Economic Land Availability Assessment (HELAA)**

The report set out what a HELAA is and how FHDC plans to produce one. This is an important evidence base document needed when reviewing a local plan to identify sufficient land to meet the district's housing need over the plan period.

Proposed by Councillor J Martin,
Seconded by Councillor Fuller; and

RESOLVED:

1. That report C/23/11 be received and noted.
2. That officers carry out a call for sites and methodology public consultation in early autumn 2023, subject to any recommendations of Cabinet regarding the process.
3. That delegated authority be given to the Assistant Director of Governance, Law & Service Delivery, in consultation with the Leader, to make any minor amendments to the methodology following consultation.

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

To allow initial steps to be taken to update the supply of development land within the district to provide evidence for a review of the local plan.

16. **Solar Park Opportunity - Lypne**

The report set out an opportunity for a solar park at Lypne, adjoining Otterpool Park and makes a recommendation that the opportunity be explored further.

Proposed by Councillor J Martin,
Seconded by Councillor P Blakemore; and

RESOLVED:

1. That report C/23/17 be received and noted.
2. That delegated authority be given for the Otterpool Park LLP to explore the opportunity of a solar farm at Lypne as described in this report.
3. To continue with the soft market testing exercise to explore the options available to the Council of developing a Solar Park at Lypne.

4. **That it be noted that a detailed business case on the proposal will be developed by the Otterpool Park LLP and brought back to Cabinet for further consideration.**

(Voting figures: 6 for, 0 against, 0 abstentions).

(Councillor Shoob moved to the public gallery during consideration of this item).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations so that the opportunity to establish a solar park at Lymgne can be explored further.

17. **Ship Street Development - Update**

The report outlined recent work that has been undertaken on the Ship Street development, and seeks additional pre-development works budget to be allocated to the project to ensure commercial viability of the development proposals and enable reports to be instructed which are required to be submitted as part of the Planning Application.

Proposed by Councillor J Martin,
Seconded by Councillor Speakman; and

RESOLVED:

1. **That report C/23/19 be received and noted.**
2. **That the works carried out to date be noted.**
3. **That the additional £15k grant funding application to Homes England be approved, to assist with the ongoing viability and sensitivity analysis of the proposed development, and to give delegated authority to Officers to accept the grant on award.**
4. **That budget of £115k be vired from MB07 to NR33 to enable officers to instruct the additional reports required for the planning submission (see paragraph 3.3 of this report).**
5. **That it be noted that Cabinet have previously agreed expenditure which will be split between the General Fund and HRA (70:30 respectively), the additional budget recommended as part of this report will be sourced solely from the HRA; this impacts the previous expenditure split arrangements. As such, Cabinet approved that for any future receipts for the Ship Street scheme, the first £115k should be utilised to redress the balance between the General Fund and HRA, with any remaining surplus then divided according to the relevant shares.**
6. **That the project timeline and next steps be noted.**

(Voting figures: 7 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Work has been proceeding at pace with the appointed design team to produce a commercially viable development scheme for the site. Following pre-application meetings with the Local planning Authority (LPA) it has become apparent, that to de-risk the site and bring it forward for future development,

further reports are required to be submitted with the planning application. The report seeks additional pre-development works budget to appoint consultants to complete the documents required to accompany the planning application and ensure a commercially viable scheme. Without these additional reports, the planning application is likely to be conditioned pending their completion. This approach is required to reduce the potential risk of significant delays to the project programme and to increase the attractiveness of the site to the market, and potential development partners.

18. **Otterpool Park LLP - Appointments to the Otterpool Park LLP Board**

The report made recommendations regarding the board of Otterpool Park LLP and set out proposed changes to increase the size of the board and to review the skills mix to reflect good governance principles and to support the delivery of this significant long-term place-shaping project.

Proposed by Councillor J Martin,
Seconded by Councillor Prater; and

RESOLVED:

1. That report C/23/18 be received and noted.
2. That the Members' Agreement of Otterpool Park LLP be amended to enable the Council to appoint up to nine (9) nominees / directors to the Otterpool Park LLP board at any one time.
3. That it be noted that the Members' Agreement already allows for the nominee company to appoint one director, and this remains unchanged.
4. That the Members' Agreement be amended so that the Leader is able to appoint and remove the chairman of the board.
5. That the Leader, in consultation with the two councillors appointed to the board, be authorised to make appointments to the vacant positions of the board.
6. That it be noted that Council's representative at the Members' Meeting remains as the Leader of the Council and the Nominee Company's representative remains the Director of Place.

(Voting figures: 6 for, 0 against, 0 abstentions).

(Councillor Shoob moved to the public gallery during consideration of this item).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations on the basis that:

1. OP LLP will continue to deliver the Council's objectives for the Otterpool Park garden town.
2. Three years following set up, the proposed changes to the composition of the board reflect good governance principles.
3. OP LLP's activities need to be progressed and it is important that the board is robust and reflects the current demands and ambitions of the council.