

Cabinet

| | |
|-----------------------|---|
| Held at: | Council Chamber - Civic Centre Folkestone |
| Date | Wednesday, 13 December 2023 |
| Present | Councillors Mike Blakemore, Polly Blakemore, Gary Fuller, Jim Martin (Chairman), Tim Prater (Vice-Chair), Stephen Scoffham, Rebecca Shoob and Jeremy Speakman |
| Apologies for Absence | Councillors Rich Holgate |
| Officers Present: | Andy Blaszkowicz (Director of Housing and Operations), Gavin Edwards (Performance and Improvement Specialist), Ewan Green (Director of Strategy and Resources), James Hammond (Strategy & Policy Senior Specialist), Andrew Hatcher (Revenues and Benefits Lead Specialist), Jyotsna Leney (Health, Wellbeing and Partnership Senior Specialist), Ola Owolabi (Chief Financial Services Officer), Susan Priest (Chief Executive), Gary Ridgewell (Interim Managing director - Otterpool Park LLP), Andrew Rush (Chief Officer Place & Regulatory Services), Jonathan Smith (Chief Accountant), Adrian Tofts (Strategy, Policy & Performance Lead Specialist) and Jemma West (Democratic Services Senior Specialist) |
| Others Present: | Tom Hydes (Stantec) Dan Nicholls (SNRG) |

NOTE: All decisions are subject to call-in arrangements. The deadline for call-in is 22 December 2023 at 5pm. Decisions not called in may be implemented on Wednesday 27 December 2023.

54. **Declarations of Interest**

Councillor Shoob made an Other Significant Interest in respect of Minute no 56 (Solar farm Opportunity – Lymgne) due to her role as a Director on the Board of Otterpool Park LLP, and indicated that she would move to the public gallery during the debate vote on the item.

55. **Minutes**

The minutes of the meeting held on 15 November 2023 were submitted, approved, and signed by the Leader.

56. **Solar farm Opportunity - Lympne**

In response to the recommendations 2 & 3 of the Cabinet report C/23/17 of 12th July 2023 Otterpool Park LLP undertook to explore the opportunity of a solar farm at Lympne and to complete the soft market testing and the options available to the Council. The report set out the results of the market testing and makes recommendations on the next steps.

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

RESOLVED:

1. **That the report be received and noted.**
2. **That delegated authority be provided to the Director of Housing and Operations**
 - a) **To undertake detailed negotiations with the preferred solar farm developer to a position where the Options Agreement is ready to be signed with the provider;**
 - b) **To develop the detailed business case and financial and governance models with risk/reward profiles for the proposal from the preferred provider.**
3. **To note that a further report detailing the negotiated options agreement and the business case will be reported to Cabinet for approval.**
4. **That Cabinet approve a budget of up to £50K from the approved Otterpool budget to fund the legal and financial reviews and modelling associated with the project.**

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

During the consideration of this item, Councillor Shoob moved to the public gallery and did not take part in the debate or vote.

REASONS FOR DECISION:

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

57. **Refresh of the Council's Children, Young People and Vulnerable Adults Safeguarding Policy 2023 and general update**

The Council is part of the statutory safeguarding role within the wider public sector, with responsibilities to children, young people and vulnerable adults. The

children, young people and vulnerable adults safeguarding policy of the Council has been updated and is attached at Appendix 1. Cabinet are advised of the changes made to the 2021 policy as the refresh takes place every two years. Cabinet are also advised of the wide range of activity that has taken place over the last few years year with updates on safeguarding practice. Due to the nature of the content of the safeguarding policy Cabinet are presented with a public version (available on the website). An internal version containing personal information is available on the intranet for staff and members.

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

RESOLVED:

- 1. That report C/23/56 and accompanying safeguarding policy be received and noted.**
- 2. To note that the Council's website will be updated to include additional content relating to safeguarding including further advice to external contractors.**
 - **To note additional work carried out eg statutory safeguarding audits, reviews and the creation of a care leaver support note.**
 - **To note the comments made by OSC on 14th November 2023 (s1.5).**
- 3. That it be recommended to Full Council that the public version of the policy be adopted.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

The safeguarding policy is a statutory requirement and is required to be adopted by the Council.

58. Quarter 2 Performance report 2023/24

The report provided an update on the Council's performance for the second quarter of the year covering 1st July-30th September 2023. The report enables the Council to assess progress against the approved key performance indicators arising from the Council's Corporate Action Plan.

Key performance indicators are being monitored during 2023-24 and are reported to Members quarterly.

Proposed by Councillor Prater,
Seconded by Councillor Fuller;

RESOLVED:

- 1. That report C/23/60 be received and noted.**
- 2. That the performance information for Quarter 2 2023-24 in Appendix 1 be noted.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

- a) The Council is committed to monitoring performance across all of 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.

59. **Oportunitas progress report 2023/24 To 31 October 2023**

The report provided an update from the Board of Oportunitas Ltd (“the company”) on activities undertaken so far during the 2022/24 financial year, including a projected outturn for the profit and loss account for the period to 31 March 2024 compared to the original forecast, based on activity to 31 October 2023. The report also outlines the company’s audited Statement of Accounts for the financial year ending 31 March 2023. This report is in-line with the requirement contained in the Shareholder’s Agreement between the company and the Council.

The Chair of Oportunitas was present at the meeting of Cabinet to present the report and to address any questions.

Proposed by Councillor Prater,
Seconded by Councillor Shoob; and

RESOLVED:

- 1. That report C/23/69 be received and noted.
- 2. That the Full Statement of Accounts and Directors’ Report for the financial year ending 31 March 2023 be noted.
- 3. That the latest projected outturn for the Profit and Loss Account of Oportunitas Limited for the financial year ending 31 March 2024 be noted.

(Voting figures: 8 for, 0 against, 0 abstentions).

REASON FOR DECISION:

Cabinet was asked to agree the recommendations because Oportunitas Ltd (“the company”) is required to provide regular updates to Cabinet as set out in the Shareholder’s Agreement between the company and the Council.

60. **Options Report on whether to continue to maintain Kent County Council (KCC) owned grass in the District, which is subsidised by Folkestone & Hythe District Council (FHDC)**

The report outlined the current arrangement with Kent County Council (KCC) to maintain rural and urban verges and the financial implications of this for Folkestone & Hythe District Council (FHDC). Various options are outlined in the report for consideration to reduce budgets in line with the Star Chamber exercise.

Proposed by Councillor Speakman,
Seconded by Councillor Prater; and

RESOLVED:

- 1. That report C/23/61 be received and noted.**
- 2. That options detailed in section 5 of the report be noted;**

Option 1: Continue to maintain all KCC Highways grass in the District to the current specification (up to 10 cuts per year for urban grass verges and two cuts per year for rural verges) and enter into a new contract with KCC Highways.

Option 2: Continue to maintain all urban grass verges (inner 30mph areas) but hand back the rural verge mowing to KCC Highways.

Option 2a: Continue providing both the urban and rural maintenance service to KCC but reduce the rural swathe cut to the required KCC frequency of 1 rather than the 2 cuts that FHDC currently provide.

Option 3: Cease cutting all KCC Highways grass in the District and hand the service back to KCC.

Option 4: Hand back all of the KCC highways work in the District, but retain some key high profile elements to maintain the appearance of the district in line with our corporate objectives.

Option 5: Deferment of a decision with further consideration to be given to handing back the KCC contract in 12 months for the 25/26 financial year.

- 3. That Option 2a be approved- Continue providing both the urban and rural maintenance service to KCC but reduce the rural swathe cut to the required KCC frequency of 1 rather than the 2 cuts that FHDC currently provide. (To note that this is recommended for a period of 12 months whilst option 5 is further explored.)**
- 4. That Option 5 be approved - Deferment of a decision with further consideration to be given to handing back the KCC contract in 12 months for the 25/26 financial year.**
- 5. To delegate authority to the Director of Housing and Operations to work with KCC colleagues to transfer the service back to KCC ready for the 25/26 financial year.**
- 6. That Cabinet be minded to explore option 4 and consider retaining some high profile areas to enhance the appearance of the district further work will need to be carried out by officers and a further report will be presented to Cabinet in due course.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

To reduce the grounds maintenance budget, to help the council meet its overall financial deficit as per the star chamber exercise.

61. Waste and Street Cleansing contract budget proposals

The report outlined proposed budget savings, incomes, and growth options for the financial year 23/24 for the Waste & Street Cleansing Contract. The report proposed the council seeks to negotiate a contract saving of £200K, looks to rationalise the overall number of street litter bins, increases to the bulky waste and garden waste fees and a budget growth item to restructure the Waste Team.

The Cabinet Member advised on an error in the summary of the report, in that the date stated as 2023/24 should read 2024/25.

A Cabinet Member proposed an amendment asking for the following changes to the recommendations:

- Recommendation 4 – removal of the words “(to approximately 775 bins)”, and insertion of the words “location and” between the words “the” and “overall”.
- Recommendation 5 – removal of the recommendation, and renumbering of subsequent recommendations.

The amendment was accepted by the proposer and therefore became the substantive motion.

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

RESOLVED:

- 1. That report C/23/68 be received and noted.**
- 2. That the recommendation in 2.6 that the Director of Strategy & Resources is given delegated authority to enter formal negotiations with Veolia with the purpose of reducing the annual cost of the Waste Collection & Street Cleansing contract by £200K. The expectation is the savings will be from the street cleansing service and will result in changes in the contract service standards and performance criteria.**
- 3. Agree the recommendation in 2.7 that an update is provided to Cabinet to confirm the contract savings achieved, noting that any contract variation would need final approval by the Monitoring Officer and S151 Officer as per the council’s Contract Standing Orders.**
- 4. Agree the recommendation in 3.7 that the council undertakes a project to rationalise the location and overall number of street litter bins.**

5. **Agree the recommendation in 4.5 that the bulky waste collection fee is increased to £53 for 24/25 for the collection of up to three eligible items. The additional item fee to remain at £9 per item for collections of more than three items.**
6. **Agree the recommendation in 5.3 that the garden waste annual subscription fee is increased to £60.**
7. **Agree the recommendation in 6.3 to include a budget growth item of £43K for financial year 24/25 to restructure the Waste Team with the growth funded from contract savings achieved.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

The proposals in the report are to support the council budget setting process for financial year 24/25 and its overall savings targets.

62. **Update to the Medium Term Financial Strategy 2024/25 to 2027/28**

The Medium Term Financial Strategy ('MTFS') is the Council's key financial planning document. It puts the financial perspective on the Council's Corporate Plan priorities, expressing the aims and objectives of the various plans and strategies in financial terms over the four year period ending 31st March 2028. It covers both revenue and revenue implications for capital spend for the General Fund. Also included are the Council's reserves policies. The MTFS is a key element of sound corporate governance and financial management.

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

RESOLVED:

1. **That report C/23/64 be received and noted.**
2. **To recommend to Full Council that the Medium Term Financial Strategy, as appended to the report, is adopted.**
3. **To recommend to Full Council that the Reserves Policy outlined in appendix 3, be adopted.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

- (a) The MTFS is the Council's key financial planning document.
- (b) The strategy defines the financial resources needed to deliver the Council's corporate objectives and priorities and covers the financial implications of other key strategies.
- (c) The Council needs to be able to carry out an early assessment of the financial implications of its approved policies and strategies and also external financial pressures facing the authority to ensure that it has robust budgeting and remains financially viable.

63. Budget Strategy 2024/25

The Budget Strategy sets out the guidelines for preparing the 2024/25 Budget. It supports the Corporate Plan and aligns with the direction and objectives of the Medium Term Financial Strategy (MTFS). In terms of financial planning, the Budget Strategy takes account of current and future financial and economic conditions and the Government's Autumn Statement delivered on for 22 November 2023. The Budget Strategy also sets out the underlying assumptions and initial budget-setting proposals and provides a timetable for delivering a balanced budget for approval and final Council Tax setting by Full Council on 28 February 2024.

Proposed by Councillor Prater,
Seconded by Councillor Speakman; and

RESOLVED:

- 1. That report C/23/63 be received and noted.**
- 2. That the Budget Strategy for 2024/25 set out in the report be agreed.**
- 3. That the General Fund revenue growth & savings proposals for 2024/25 be approved (Appendix 2).**
- 4. That the General Fund capital growth proposals for 2024/25 be approved (Appendix 3).**
- 5. That the proposed timetable for preparing 2024/25 budgets be agreed (Appendix 4).**
- 6. That the proposed arrangements for consultation be agreed.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

- (i) The Budget Strategy provides the framework for compiling the detailed 2024/25 budgets;
- (ii) The Budget Strategy will support the delivery of the MTFS; and
- (iii) The Budget Strategy enables the publication of initial proposals, timescales and provides details of the arrangements for consultation as required by the constitution

64. Fees and Charges 2024/25

This report focuses on the proposed fees and charges for 2024/25 which will contribute towards meeting the council's 2024/25 budget objectives and Medium-Term Financial Strategy.

The Council's Fees and Charges Policy was revised and agreed by Cabinet on 15 November 2017 (report C/17/54) and was last re-approved in December 2022 (see appendix 1, report C/22/70).

The Cabinet Member advised that due to an error in appendix two in respect of the green waste annual charge, a revised version had been circulated prior to the meeting.

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

RESOLVED:

1. That report C/23/71 be received and noted.
2. That the Fees and Charges Policy for 2024/25 at Appendix 1 be noted.
3. To approve:
 - (i) The 2024/25 fees and charges which are set at the discretion of the Council for the General Fund and Housing Revenue Account, as outlined in Appendix 2;
 - (ii) The parking charges in Appendix 3;
 - (iii) The statutory charges subject to discretionary fees in Appendix 4.

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations because the fees and charges are essential to support the delivery of the MTFs and Budget Strategy.

65. **Treasury management 23/24 - quarter 2 report**

The report provided an update on the Council's treasury management activities that have taken place during 2023/24 against the agreed strategy for the year. The report also provided an update on the treasury management indicators approved by Cabinet earlier this year.

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

RESOLVED:

1. That report C/23/72 be received and noted.

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations because:

- a) Both the CIPFA Code of Practice on Treasury Management and the Council's Financial Procedure Rules require Members to receive a report on the Council's treasury management activities during the year.

66. **Second home and empty home Council Tax Premiums**

The report was to re-affirm a decision passed on 22 February 2023 by Full Council under report number A/22/25. This is due to a delay in Royal Assent being received and therefore a delay of 12 months from the previous decision.

From 1 April 2025, billing authorities will be given the ability to add a Council Tax premium to second homes. Billing authorities will also be given the ability to amend existing long term empty home Council Tax premiums from 1 April 2024. This report reviews these proposals and recommends that some changes are introduced from the financial year 2024/25.

Proposed by Councillor Prater,
Seconded by Councillor Fuller; and

RESOLVED:

1. **That report C/23/62 be received and noted.**
2. **To recommend to Full Council to introduce a Council Tax premium to second homes from the 2025/26 financial year onwards.**
3. **To recommend to Full Council to adopt the amendments to Council Tax empty home premiums from the 2024/25 financial year onwards as demonstrated in Table 2.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet was asked to agree the recommendations to ensure income to the Council is maximised whilst giving consideration to the district's Council Tax charge payers, ensuring they are treated in a reasonable and consistent manner.

67. **Housing Revenue Account (HRA) Business Plan 2023 - 2053**

The report sought Cabinet approval for the HRA Business Plan (BP) 30-year model which sets the parameters of the work and spend that is undertaken by the Council's housing team, underpinning every decision taken in the HRA. The BP model aligns with the direction and objectives of the Medium-Term Financial Strategy (MTFS), alongside the commitments of the HRA capital programme and acquisitions and new build ambitions for HRA led housing. Once approved by Members, a summary version of the HRA BP will be published in 2024.

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

RESOLVED:

1. **That report C/23/57 be received and noted.**
2. **That the 30-year HRA Business Plan and financial projections attached at appendix 1 be approved.**

3. **That the HRA BP financial plan will be referred to Cabinet as part of the 24/25 budget setting process in February 24. The revised business plan will form the basis of future HRA budgets and supersedes any previous BPs or medium-term capital programmes.**
4. **That the revision of the HRA medium-term capital programme and other budget revisions made within this HRA BP allows for provision of annual resources of £5m (based on current prices), to facilitate the delivery of approximately 20 additional council homes each year, during the first 18 years of this Plan.**
5. **That the HRA priorities and assumptions set out within the HRA BP be agreed.**
6. **To note that the Business Plan includes assumptions that are subject to future Cabinet decisions on:**
 - **a future de-pooling of service charges to fairly and transparently recoup income that is due to the HRA; and**
 - **a disposals policy and financial model for assessing the economic viability of managing and maintaining elements of stock.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations in order to ensure that the Council continues to provide a financially balanced housing management service that meets legislation and delivers excellent customer service to our tenants and leaseholders across the district.

68. Housing Repairs and Maintenance Options Appraisal recommendation for procurement

The Housing Repairs and Maintenance (R&M) current contract with Mears Ltd is due to expire 06/04/2025. The contract is a critical customer facing one as it currently includes all Responsive Repairs and the Planned Maintenance service, (incl. replacement kitchen and bathrooms - capital programme), also Void repairs and some Compliance related services. This contract is Housing's largest and the council's second highest in terms of spend. Following presentation at Overview and Scrutiny Committee (OSC) on 26 September 2023, a full Options Appraisal Report is attached at Appendix 1 to the report.

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

RESOLVED:

1. **That report C/23/65 be received and noted.**

2. **To note the Options Appraisal at appendix 1 of the report that evaluates the risks, benefits, and likely costs of options to deliver the responsive repairs and maintenance service.**
3. **To commence a re-procurement exercise based on:**
 - (a) **A single Integrated contract for Repairs, Voids and some aspects of Planned Works; and**
 - (b) **Separate individual contracts for aspects of Compliance and the mechanical and electrical (M&E) workstreams.**
4. **To note that a further report with detail of the recommended contract award will be provided to Cabinet.**

(Voting figures: 7 for, 0 against, 1 abstentions).

REASONS FOR DECISION:

Cabinet is asked to agree the recommendations in order to ensure that the council housing assets service is able to procure a new Repairs & Maintenance contract that continues to provide a good level of service delivery, meets legislation and provides value for money to our council tenants and leaseholders.

69. **Consultation from Kent County Council on the draft Kent Cycling and Walking Infrastructure Plan (KCWIP)**

Kent County Council (KCC) is consulting on a draft Kent Cycling and Walking Infrastructure Plan (KCWIP). The plan aims to develop a network of walking and cycling routes across Kent, integrate cycling and walking into transport policies, set out priorities for future investment and provide evidence to support local projects. The plan is out for consultation until 10 January 2024. The report summarises the KCWIP proposals and puts forward draft comments as the basis for the district council's response to the consultation.

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

RESOLVED:

1. **That report C/23/67 be received and noted.**
2. **That the Strategy and Policy Senior Specialist be given delegated authority to make any necessary amendments to the responses in Appendix 1, in consultation with the Leader and the Cabinet Member for Transport, Regulatory Services and Building Control, before submission to Kent County Council.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

In order to influence the final version of the Kent Cycling and Walking Infrastructure Plan produced by Kent County Council following the consultation.

70. Romney Marsh Coastal Destination Centre including Beach Chalet Project

In June 2021 Cabinet (Cabinet report C/21/13) approved a proposal to create a visitor destination centre on Coast Drive carpark in Greatstone that falls within the council's ownership. The project is an opportunity to create a coastal destination centre, facilitate inward investment, improve the local economy and to bring forward a sustainable place making intervention. The proposal offered 108 beach huts a visitor hub with café/education centre, enhanced car parking, toilet facilities including a Changing Places Toilet and public realm improvements. The project also delivers a revenue surplus to the council from year one and continuing throughout the 20-year lifetime of the scheme. The report advised Cabinet of the work to date and the challenges that have been encountered leading to changes to the original proposed scheme because of site and planning constraints identified during the design development process. The report also provided an update on the current design proposal and programme including the proposed procurement of contractors and sought additional budget approval to enable the delivery of the scheme.

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

RESOLVED:

1. **That report C/23/70 be received and noted.**
2. **To approve the redesigned scheme to deliver the project on council land only, which meets ecological requirements and minimises the ecological impact on the internationally designated sites.**
3. **To approve the required budget of £1,593,000 to deliver the scheme and note that this will be built into the Medium-Term Capital Plan for approval by Full Council in February 2024.**
4. **That delegated authority be provided to the Director of Housing & Operations to accept the NDA/Magnox grant of £300K.**
5. **To note the wider funding package to deliver the scheme including CIL (£300K) and UKSPF funding (£100K).**
6. **To note commencement of the tender process for a contractor to deliver the scheme.**
7. **That delegated authority be provided to the Director for Housing and Operations to carry out any tasks required to deliver the scheme within the agreed budget.**

(Voting figures: 8 for, 0 against, 0 abstentions).

REASONS FOR DECISION:

Investment into this project will create a coastal destination centre that will boost tourism and economic activity on the Marsh whilst providing an ongoing

revenue stream for the council. The budget for the proposed scheme requires approval to deliver the project, enable the revenue stream to the council and to secure transformational change within the area, delivering the much needed social, economic, and regeneration benefit.