

Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 7 January 2013 at 11.00 am

Present:

Chairman: Councillor P A Watkins

Councillors: S S Chandler
N J Collor
M D Conolly
P G Heath
N S Kenton
C J Smith

Also Present: Councillor B W Bano
Councillor P M Beresford
Councillor G Cowan
Councillor S R Nicholas
Mr P Vanston (Kent Waste Partnership)

Officers: Chief Executive
Director of Environment and Corporate Assets
Director of Finance, Housing and Community
Director of Governance
Director of Regeneration and Development
Principal Planning Officer
Licensing Team Leader
Regeneration Delivery Technical Assistant
Democratic Support Officer
Democratic Services Officer

The formal decisions of the executive are detailed in the following schedule.

Record of Decisions: Executive Functions

Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 54 7.1.13 Open</p> <p>Key Decisions No</p> <p>Call in to apply Yes</p> <p>Implementation Date 15 January 2013</p>	<p><u>RECORD OF DECISIONS</u></p> <p>It was agreed that the Decisions of the meeting of the Cabinet held on 3 December 2012, as detailed in decision numbers CAB 41 to CAB 53, be approved as a correct record and signed by the Chairman.</p>	<p>To amend the Record of Decisions.</p>	<p>Cabinet is required to approve the Record of Decisions of the Cabinet meeting held on 3 December 2012.</p>	

Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
<p>CAB 55 7.1.13 Open</p> <p>Key Decisions No</p> <p>Call in to apply Yes</p>	<p><u>ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES - FOLLOW-UP TO LOCAL GOVERNMENT OMBUDSMAN REPORT - INTERNAL AUDIT REVIEW OF PROCEDURES FOR DEALING WITH HOMELESSNESS APPLICATIONS FROM YOUNG PEOPLE BETWEEN THE AGES OF 16 AND 21</u></p> <p>It was agreed:</p> <p>(a) That the Scrutiny (Policy and Performance) Committee's endorsement of Cabinet decision CAB 37, made at its meeting</p>	<p>None.</p>	<p>The Scrutiny (Policy and Performance) Committee, at its meeting held on 5 November 2012, considered the report of the Director of Governance and Cabinet decision</p>	

Implementation Date 15 January 2013	held on 5 November 2012, be acknowledged. (b) That Cabinet decision CAB 37 be reaffirmed.		CAB 37 of 5 November 2012. The Committee noted the report and requested that it be updated on further developments in relation to Kent County Council.	
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Decision Status	Record of Decisions	Alternative options considered and rejected (if any)	Reasons for Decision	Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)
CAB 56 7.1.13 Open Key Decisions No Call in to apply Yes Implementation Date 15 January 2013	<u>ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES - PERFORMANCE REPORT - 2ND QUARTER, 2012/13</u> It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's endorsement of Cabinet decision CAB 39, made at its meeting held on 5 November 2012, be acknowledged. (b) That Cabinet decision CAB 39 be reaffirmed.	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 5 November 2012, considered the report of the Director of Governance and endorsed Cabinet decision CAB 39 of 5 November 2012.	

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CAB 57 7.1.13 Open	<u>ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES - DRAFT TENANCY STRATEGY</u>	To approve the Scrutiny (Community and	The Scrutiny (Community and Regeneration)	

<p>Key Decisions Yes</p> <p>Call in to apply Yes</p> <p>Implementation Date 15 January 2013</p>	<p>It was agreed:</p> <p>(a) That the Scrutiny (Community and Regeneration) Committee be thanked for its recommendations (a)(i) and (ii), made at its meeting held on 5 November 2012, but that these be rejected because they are policy rather than strategic issues and therefore more appropriately included within the Tenancy Policy which is due to be re-considered by Cabinet on 4 February 2012.</p> <p>(b) That, in respect of recommendation (b), the Scrutiny (Community and Regeneration) Committee be advised that:</p> <p>(i) Whilst Cabinet endorses the aspiration behind the Committee's recommendation, the Council has no powers to direct social landlords to assist tenants who are down-sizing due to under-occupation to find alternative accommodation within the social housing sector; and</p> <p>(ii) Tenants who are subject to down-sizing will need to undergo a further assessment of their housing needs to establish whether they still meet the criteria for social housing.</p> <p>(c) That, if considered necessary, written clarification in relation to (b) be provided by the Portfolio Holder for Community, Housing and Youth in consultation with the Director of Finance, Housing and Community.</p> <p>(d) That Cabinet decision CAB 35 be reaffirmed.</p>	<p>Regeneration) Committee's recommendation (b).</p>	<p>Committee, at its meeting held on 5 November 2012, considered the report of the Director of Finance, Housing and Community and Cabinet decision CAB 35 of 5 November 2012 and made additional recommendations to Cabinet.</p>	
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<p>CAB 58 7.1.13 Open</p> <p>Key Decisions Yes</p> <p>Call in to apply (a) Yes (b) No</p> <p>Implementation Date (a) 15 January 2013 (b) 31 January 2013</p>	<p><u>COUNCIL TAX BENEFIT LOCALISATION</u></p> <p>(a) It was agreed that the proposals for Dover's local Council Tax Support Scheme, as recommended in the report, be approved, subject to a clear statement of the scheme to be adopted being added to the report before it is presented to Council for adoption.</p> <p>(b) It was agreed to recommend to Council that the proposals for Dover's local Council Tax Support Scheme be adopted.</p>	<p>To not amend the report's recommendations .</p>	<p>Government has reduced funding of Council Tax Benefit by 10%, and local authorities are now responsible for designing their own schemes and the associated financial risks.</p> <p>At its meeting held on 15 October 2012, Cabinet agreed, pending the passing of the Local Government Finance Bill, that the proposed scheme be recommended for adoption to Council (CAB 26). Following the enactment of the Bill, and with further information from Government now being available, Cabinet is requested to recommend the</p>	<p>The Monitoring Officer confirmed that, under the Council's Member Code of Conduct, Cabinet Members who were landlords or second home owners did not have a Disclosable Pecuniary Interest or Other Significant Interest in this agenda item.</p>

			local scheme for adoption.	
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CAB 59 7.1.13 Open Key Decisions No Call in to apply No Implementation Date	<u>PURCHASE OF NOISE RECORDING EQUIPMENT</u> It was agreed to recommend to Council that the replacement of the noise monitoring equipment be included within the Capital Programme and, subject thereto, that its purchase be approved.	None.	The Council's Environmental Enforcement & Protection Department use noise recording equipment to investigate noise complaints. One of the existing units is beyond repair and the other is ageing, and it is considered appropriate to purchase new equipment in order to maintain service levels.	

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CAB 60 7.1.13 Open Key Decisions Yes	<u>WORTH AND ST MARGARET'S-AT-CLIFFE NEIGHBOURHOOD AREAS</u> It was agreed that the designation of the Worth Neighbourhood Area and St Margaret's-at-Cliffe Neighbourhood Area be approved.	None.	The designation of a Neighbourhood Area is the second stage in the Neighbourhood Development Plan	

<p>Call in to apply Yes</p> <p>Implementation Date 15 January 2013</p>			<p>(NDP) process which has been introduced under the Neighbourhood Planning (General) Regulations 2012.</p> <p>NDPs will set out a vision for development in the area and, having statutory status, must be included in the Council's Local Development Scheme.</p>	
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<p>CAB 61 7.1.13 Open</p> <p>Key Decisions Yes</p> <p>Call in to apply Yes</p> <p>Implementation Date 15 January 2013</p>	<p><u>DOVER DISTRICT ANNUAL MONITORING REPORT</u></p> <p>It was agreed:</p> <p>(a) That the Annual Monitoring Report (AMR) be approved.</p> <p>(b) That the length of time between the end of the reporting period and the production of the AMR should continue to be reduced to make the AMR more immediate.</p> <p>(c) That priority be given to addressing the 5-year land supply deficit and considering what Inward Investment/Regeneration Delivery actions can be taken to help ensure that the most significant development schemes, once permitted, are implemented.</p>	<p>None.</p>	<p>This Annual Monitoring Report (AMR) is a statutory requirement and covers the period 31 March 2011 to 1 April 2012.</p> <p>The purpose of the AMR is to monitor the Council's progress in preparing Local Development Plan</p>	

			documents and its success in implementing plans that have been adopted, and to identify any areas for further action.	
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<p>CAB 62 7.1.13 Open</p> <p>Key Decisions Yes</p> <p>Call in to apply Yes</p> <p>Implementation Date 15 January 2013</p>	<p><u>FEES AND CHARGES 2013/14</u></p> <p>It was agreed:</p> <p>(a) That the Fees and Charges (F&Cs) for 2013/14, as set out at Annex 2 of the report, be approved.</p> <p>(b) That any F&Cs will be adjusted by the Service Director and Portfolio Holder to comply with any subsequently received Government guidelines (when they are received) without being the subject of a further report unless they are materially different to current charges or have a material impact on the level of income.</p> <p>(c) That the general principle be approved that fees are set at an appropriate inclusive level, irrespective of VAT status, and that the VAT element within the overall fee level is then determined.</p> <p>(d) That the F&Cs approved by the Licensing and Regulatory Committees, as set out at Annexes 3 and 4 of the report, be noted.</p>	<p>None.</p>	<p>The Council's Constitution stipulates that the Council's fees and charges should be reviewed annually. Cabinet is now required to set the level of these for 2013/14.</p>	

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<p>CAB 63 7.1.13 Open</p> <p>Key Decisions Yes</p> <p>Call in to apply Yes</p> <p>Implementation Date 15 January 2013</p>	<p><u>REVISED HACKNEY CARRIAGE AND PRIVATE HIRE LICENSING POLICY</u></p> <p>It was agreed:</p> <p>(a) That the revised Hackney Carriage and Private Hire Licensing Policy be approved.</p> <p>(b) That the Licensing Team Leader be authorised to make any minor or typographical amendments to the revised Hackney Carriage and Private Hire Licensing Policy which may prove necessary following approval.</p>	<p>None.</p>	<p>The Council's current Hackney Carriage and Private Hire Licensing Policy was adopted in 2008 and is due for review in order to take into account revised guidance from the Department for Transport and the Criminal Records Bureau, etc.</p> <p>The revised policy was approved for consultation by Cabinet on 16 April 2012 (CAB 134). That consultation ran for 12 weeks until 25 July 2012 and a further period of consultation ran for 6 weeks until 19 November 2012.</p>	

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<p>CAB 64 7.1.13 Open</p> <p>Key Decisions No</p> <p>Call in to apply Yes</p> <p>Implementation Date 15 January 2013</p>	<p><u>KENT JOINT MUNICIPAL WASTE MANAGEMENT STRATEGY - REFRESH OF POLICIES</u></p> <p>It was agreed:</p> <p>(a) That the refreshed Kent Joint Municipal Waste Management Strategy objectives and policies for 2012/13 to 2020/21, as set out at Annex 1 of the report, be approved.</p> <p>(b) That the community be thanked for its recycling efforts and information disseminated to the public about how recycled waste is utilised.</p>	<p>To not add to the report's recommendations</p>	<p>The Kent Waste Partnership was established in 2007 and is a collaboration of 13 Kent councils.</p> <p>The Kent Joint Municipal Waste Management Strategy (KJMWMS) consists of a suite of policies and targets relating to recycling and waste services which all 13 councils have adopted. Cabinet is requested to approve a revised KJMWMS to cover the period to 2020.</p>	

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<p>CAB 65 7.1.13 Open</p>	<p><u>DECISION NOTICE</u></p> <p>It was agreed that Decision Notice DPH06 (Agreement to collaborate in</p>	<p>None.</p>	<p>To note the decision taken by the Portfolio Holder</p>	

<p>Key Decisions No</p> <p>Call in to apply Yes</p> <p>Implementation Date 15 January 2013</p>	<p>setting up a bulk energy buying/collective energy switching scheme for the residents of the District) be received and noted.</p>		<p>for Environment, Waste and Planning pursuant to paragraph 13 (Responsibility for Executive Functions) of Section 3 of Part 3 (Responsibility for Functions) of the Constitution.</p>	
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<p>CAB 66 7.1.13 Open</p> <p>Key Decisions Yes</p> <p>Call in to apply Yes</p> <p>Implementation Date 15 January 2013</p>	<p><u>REFURBISHMENT OF NORTHBOURNE AVENUE AND ELMS VALE PLAY AREAS IN DOVER</u></p> <p>It was agreed that the award of the contract for refurbishing Northbourne Avenue and Elms Vale Play Areas to SMP Playgrounds Ltd for the consideration set out in the report, and the release of the allocated funds to commence the projects, be approved.</p>	<p>None.</p>	<p>At its meeting held on 5 March 2012, Cabinet approved the strategic direction for future investment in, and management of, the District's play areas (CAB 119). Northbourne Avenue and Elms Vale play areas were identified as strategic play areas and their refurbishment will be funded by developer contributions and the Housing</p>	

			Revenue Account. A competitive tender for this project was issued and 5 bids were received.	
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CAB 67 7.1.13 Open Key Decisions No Call in to apply Yes Implementation Date Immediate	<u>EXCLUSION OF THE PRESS AND PUBLIC</u> That, in accordance with the provisions of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and the public be excluded from the remainder of the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in paragraph 3 of Schedule 12A of the Local Government Act 1972.	None.		

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CAB 68 7.1.13 Exempt Key Decisions No	<u>DECISION NOTICE</u> It was agreed that Decision Notice DPH05 (Disposal of Flat 1, The Gateway, Marine Parade, Dover and associated share) be received and noted.	None.	To note the decision taken by the Portfolio Holder for Access and Property Management	

Call in to apply Yes			pursuant to paragraph 13 (Responsibility for Executive Functions) of Section 3 of Part 3 (Responsibility for Functions) of the Constitution.	
Implementation Date 15 January 2013				

The meeting ended at 12.26 pm