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Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 7 November 2016 at 11.00 am

Present:

Chairman: Councillor P A Watkins

Councillors: M D Conolly
T J Bartlett
P M Beresford
N J Collor
N S Kenton
K E Morris

Also Present: Councillor S F Bannister
Councillor P M Brivio
Councillor S S Chandler
Councillor M R Eddy
Councillor B Gardner

Officers: Chief Executive
Director of Environment and Corporate Assets
Director of Finance, Housing and Community
Director of Property Services (East Kent Housing)
Solicitor to the Council
Head of Community Services
Head of Corporate Services
Head of Strategic Housing
Compliance Manager (East Kent Housing)
Environmental Protection Manager
Planning Delivery Manager
Project Manager - Kearsney Parks
Environmental Crime Team Leader
Climate Change and Energy Conservation Officer
Community Development Officer
PR and Marketing Officer
Democratic Support Officer

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

Record of Decisions: Executive Functions

Decision Status	Record of Decision	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 67 7.11.16 Open Key Decisions No Call-in to apply Yes Implementation Date 15 November 2016	<u>APOLOGIES</u> It was noted that there were no apologies for absence.	None.	To note any apologies received.	

Decision Status	Record of Decision	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 68 7.11.16 Open Key Decisions No Call-in to apply Yes	<u>DECLARATIONS OF INTEREST</u> It was noted that there were no declarations of interest.	None.	To note any declarations of interest.	

Implementation Date 15 November 2016				
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CAB 69 7.11.16 Open Key Decisions No Call-in to apply Yes Implementation Date 15 November 2016	<u>RECORD OF DECISIONS</u> (a) It was agreed, subject to (b) below, that the decisions of the meeting of the Cabinet held on 3 October 2016, as detailed in decision numbers CAB 56 to CAB 66, be approved as a correct record and signed by the Chairman. (b) It was agreed that, for clarity, Cabinet decision CAB 61 (a) (j) be amended to read as follows: ‘That a report be submitted to a future meeting of the Scrutiny (Policy and Performance) Committee on the feasibility of the Council undertaking a Compulsory Purchase Order in respect of the Regent Cinema building in the event the developer does not take the requested actions. Cabinet noted that the Compulsory Purchase procedure should be considered as a measure of last resort and, even then, would only be taken as a measure to facilitate the acquisition of the property on behalf of a third party. Provision of the above report would be subject to the expiry of the planning application deadlines at (b) above.’	To not amend the Record of Decisions.	Cabinet is required to approve the Record of Decisions of the Cabinet meeting held on 3 October 2016.	

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CAB 70 7.11.16 Open Key Decisions No Call-in to apply Yes Implementation Date 15 November 2016	<u>NOTICE OF FORTHCOMING KEY DECISIONS</u> It was agreed that there were no forthcoming Key Decisions identified for pre-Scrutiny at this stage.	None.	Cabinet is requested to identify any Key Decisions that it would be beneficial to refer to one of the Scrutiny Committees before the matter comes before Cabinet for formal decision.	

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CAB 71 7.11.16 Open Key Decisions No Call-in to apply Yes Implementation Date 15 November	<u>LORRY PARKING IN THE DOVER DISTRICT</u> It was agreed that the Scrutiny (Policy and Performance) Committee's recommendations, made at its meeting held on 20 September 2016 (Minute No 62), be approved as follows: <ul style="list-style-type: none"> (i) That the results of the most recent survey on lorry parking in the district be reported to a meeting of the Scrutiny (Policy and Performance) Committee in the next two months and that future surveys also consult with district members and not just parish councils. (ii) That it be recommended to the Cabinet that, given the 	None.	At its request, the Scrutiny (Policy and Performance) Committee, at its meeting held on 20 September 2016, received an update on lorry parking issues.	

2016	importance of the district as the gateway to the UK and the Continent, the Minister for Transport be lobbied to introduce measures to make it easier for the Council to take enforcement action against illegal and dangerous lorry parking in the district.			
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CAB 72 7.11.16 Open Key Decisions No Call-in to apply Yes Implementation Date 15 November 2016	<u>ESSENTIAL REPAIRS TO DOVER TOWN HALL</u> It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's endorsement of Cabinet decision CAB 66, made at its meeting held on 11 October 2016 (Minute No 76), be acknowledged. (b) That Cabinet decision CAB 66 be reaffirmed.	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 11 October 2016, endorsed Cabinet decision CAB 66 of 3 October 2016.	

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CAB 73 7.11.16 Open Key Decisions No	<u>RESTORATION OF MAISON DIEU, DOVER</u> (a) It was agreed that the submission of a Round One Application to the Heritage Lottery Fund for a Heritage Grant for Maison Dieu (Dover Town Hall) be approved.	None.	Maison Dieu, Dover is a significant Council asset which is not currently being used to its full	

Call-in to apply (a) Yes (b) No Implementation Date (a) 15 November 2016 (b) 1 December 2016	(b) It was agreed to recommend to Council that the Budget and Policy Framework be amended to increase the monies allocated to this project in the Capital Programme from £2 to £3 million.		potential. At its meeting held on 2 November 2015, Cabinet agreed that funds to support its restoration should be sought by way of a bid to the Heritage Lottery Fund (CAB 59). Cabinet is requested to confirm its support for the bid and to indicate its agreement to an increase in match funding to £3 million.	
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CAB 74 7.11.16 Open Key Decisions Yes Call-in to apply Yes	<u>ENERGY DEAL - COLLECTIVE ENERGY SWITCHING SCHEME</u> It was agreed: (a) That the continuation of Energy Deal, the Collective Energy Switching Scheme, in partnership with other Kent local authorities, be approved. (b) That, pending the outcome of a new Official Journal of the	None.	Energy Deal is a collaborative arrangement between several local authorities in Kent aimed at helping residents find a more competitive energy	

Implementation Date 15 November 2016	<p>European Union (OJEU) procurement process, an interim contract be entered into with iChoosr, utilising East Riding of Yorkshire Council's agreement.</p> <p>(c) That the continuation of the Council as Lead Authority be approved.</p> <p>(d) That the Director of Environment and Corporate Assets be authorised to take decisions in relation to future collective switching contracts.</p>		<p>tariff.</p> <p>Current contract arrangements end on 27 November 2016, and it is proposed that Energy Deal partners access East Riding of Yorkshire Council's contract with iChoosr until a new intermediary has been appointed via the Official Journal of the European Union.</p>	
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CAB 75 7.11.16 Open Key Decisions No Call-in to apply Yes Implementation Date	<p><u>ENVIRONMENTAL ENFORCEMENT SERVICE DELIVERY OPTIONS</u></p> <p>It was agreed that Option 2, Scenario A (i.e. combination of directly employed Environmental Enforcement Officers and use of external contractors, with DDC charged for each successfully issued Fixed Penalty Notice) be approved.</p>	<p>To continue with the direct employment of staff, maintaining a team of three in-house Environmental Enforcement Officers.</p>	<p>A high turnover of staff since 2013 and a recent vacancy within the Council's Environmental Enforcement Team has prompted a review of how the service should be delivered in future.</p>	

15 November 2016			Cabinet is requested to consider whether the service should be delivered completely in-house or via a combination of in-house officers and external contractors.	
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<p>CAB 76 7.11.16 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 15 November 2016</p>	<p><u>INTRODUCTION OF FIXED PENALTY NOTICES FOR FLY-TIPPING</u></p> <p>It was agreed:</p> <p>(a) That the issue of Fixed Penalty Notices (FPNs) for small scale fly-tipping offences, contrary to Section 33(1)(a) of the Environmental Protection Act 1990, be approved.</p> <p>(b) That the level of the FPNs be set at £400.</p> <p>(c) That powers be delegated to the Head of Regulatory Services to authorise persons to act as 'authorised officers' under Section 33ZA (12) of the Environmental Protection Act 1990 for the purposes of issuing FPNs.</p>	None.	Under the Unauthorised Deposit of Waste (Fixed Penalties) Regulations 2016, local authorities were given powers to issue Fixed Penalty Notices (FPNs) for incidents of small scale fly-tipping. It is proposed to introduce an FPN of £400 for those caught fly-tipping in the district.	

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CAB 77 7.11.16 Open Key Decisions No Call-in to apply Yes Implementation Date 15 November 2016	<u>DOVER DISTRICT COUNCIL COMMUNITY GRANTS</u> It was agreed: (a) That the Dover District Council Community Grants awarded during the 2016/17 grants scheme, as set out at Appendix 1 of the report, be approved. (b) That the £480 underspend for the Dover West area be rolled over to the grant pot for use in the Dover West area in 2017/2018.	None.	There are five Dover District Neighbourhood Forums which are used by Dover District Council and Kent County Council to award small capital grants for community projects. Cabinet is requested to approve the proposed awards to local projects set out at Appendix 1 of the report.	

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CAB 78 7.11.16 Open Key Decisions No Call-in to apply Yes	<u>PERFORMANCE REPORT - SECOND QUARTER 2016/17</u> It was agreed that the Council's Performance Report and Actions for the Second Quarter 2016/17 be noted.	None.	Monitoring the Council's performance against key objectives is essential to the achievement of those aims and objectives. The	

Implementation Date 15 November 2016			Performance Report provides a summary of the Council's performance for the six months to 30 September 2016.	
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CAB 79 7.11.16 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 provision of the Local Authorities (Executive Arrangements) (Access to Information) (England) Regulations 2000, the press and the public be excluded during consideration of the following items of business on the grounds that they involve 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 80 7.11.16 Exempt Key Decisions Yes	<u>AYLESHAM VILLAGE EXPANSION - UPDATE AND DEED OF VARIATION</u> It was agreed: (a) That progress on the Aylesham Development be noted.	None.	Phase 1A of the Aylesham Village expansion scheme has effectively been completed. In order to progress	

Call-in to apply Yes Implementation Date 15 November 2016	(b) That the Heads of Terms for the Deed of Variation be approved, and the Planning Delivery Manager be authorised to approve the final document, in consultation with the Leader of the Council and the Chief Executive. (c) That the Planning Delivery Manager be authorised to negotiate the acquisition of the Market Square retail units and third-party land within the development site (to be funded from an element of the anticipated capital receipt), in consultation with the Director of Environment and Corporate Assets and the Portfolio Holder for Corporate Resources and Performance.		further development, negotiations have taken place between the developer and the Council to agree drawdown conditions for Phase 1B. From these negotiations, it has become evident that the existing Development Agreement needs amending; this will be achieved through a Deed of Variation.	
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CAB 81 7.11.16 Exempt Key Decisions Yes Call-in to apply Yes	<u>AWARD OF CONTRACT FOR GAS SERVICING AND HEATING INSTALLATIONS</u> It was agreed: (a) That the award of a new heating contract to P&R Installations Co Ltd be approved, subject to the 30-day notice period required by Section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003.	None.	The current interim contract for the servicing, maintenance and installation of boilers in the Council's housing stock expires on 31 March 2017.	

Implementation Date 15 November 2016	(b) That the Head of Strategic Housing be authorised to discharge functions associated with the award of a long-term agreement (including having regard to observations received prior to awarding the contract), as required by Section 20 of the Landlord and Tenant Act 1985 and the Service Charges (Consultation Requirements) (England) Regulations 2003, and to confirm the award of the contract (or report further to Cabinet as appropriate).		A competitive tender exercise was undertaken, in collaboration with Canterbury City and Thanet District Councils, and six tenders were received.	
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The meeting ended at 12.33 pm