

Public Document Pack

Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 9 January 2017 at 11.01 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 P M Brivio
Councillor S S Chandler
Councillor M R Eddy
Councillor B Gardner
Councillor S J Jones
Councillor P Walker

Officers: Chief Executive
Director of Environment and Corporate Assets
Director of Finance, Housing and Community
Director of Governance
Head of Assets and Building Control
Principal Heritage Officer
Senior Heritage 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 113 9.1.17 Open Key Decisions No Call-in to apply Yes Implementation Date 17 January 2017	<u>APOLOGIES</u> It was noted that there were no apologies for absence.	None.	To note any apologies for absence.	

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 114 9.1.17 Open Key Decisions No Call-in to apply Yes Implementation	<u>DECLARATIONS OF INTEREST</u> It was noted that there were no declarations of interest.	None.	To note any declarations of interest.	

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CAB 115 9.1.17 Open Key Decisions No Call-in to apply Yes Implementation Date 17 January 2017	<u>RECORD OF DECISIONS</u> It was agreed that the decisions of the meetings of the Cabinet held on 5 and 15 December 2016, as detailed in decision numbers CAB 94 to CAB 112, be approved as correct records and signed by the Chairman.	None.	Cabinet is required to approve the Records of Decisions of the Cabinet meetings held on 5 and 15 December 2016.	

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CAB 116 9.1.17 Open Key Decisions No Call-in to apply Yes Implementation	<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 considers would be beneficial to refer to one of the Scrutiny Committees before the matter comes before Cabinet for	

Date 17 January 2017			formal decision.	
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CAB 117 9.1.17 Open Key Decisions Yes Call-in to apply Yes Implementation Date 17 January 2017	<u>DOVER LEISURE CENTRE - SPA FEASIBILITY STUDY</u> It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's endorsement of Cabinet decision CAB 111, made at its meeting held on 19 December 2016 (Minute No 124), be acknowledged. (b) That Cabinet decision CAB 111 be reaffirmed.	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 19 December 2016, endorsed Cabinet decision CAB 111 of 15 December 2016.	

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CAB 118 9.1.17 Open Key Decisions Yes Call-in to apply Yes Implementation	<u>DOVER LEISURE CENTRE - BUILDING CONTRACTOR PROCUREMENT</u> It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's endorsement of Cabinet decision CAB 112, made at its meeting held on 19 December 2016 (Minute No 125), be acknowledged. (b) That Cabinet decision CAB 112 be reaffirmed.	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 19 December 2016, endorsed Cabinet decision CAB 112 of 15 December 2016.	

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CAB 119 9.1.17 Open Key Decisions Yes Call-in to apply Yes Implementation Date 17 January 2017	<u>RECYCLING REWARD SCHEME</u> It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's endorsement of Cabinet decision CAB 104, made at its meeting held on 13 December 2016 (Minute No 112), be acknowledged. (b) That, whilst understanding the rationale behind the Scrutiny (Policy and Performance) Committee's recommendations (b) to (d), these be rejected since the Council has a duty to comply with the criteria under which the funding from the Department for Communities and Local Government was applied for and granted. However, the Council will continue to seek out opportunities to develop closer partnership working, particularly with the town and parish councils, to encourage any local initiatives which increase participation in the Council's recycling services. (c) That Cabinet decision CAB 104 be reaffirmed.	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 13 December 2016, endorsed Cabinet decision CAB 104 of 5 December 2016 and made additional recommendations.	

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CAB 120 9.1.17	<u>DRAFT WATERLOO CRESCENT CONSERVATION AREA CHARACTER APPRAISAL</u>	None.	The Scrutiny (Policy and	

Open Key Decisions Yes Call-in to apply Yes Implementation Date 17 January 2017	It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's endorsement of Cabinet decision CAB 105, made at its meeting held on 13 December 2016 (Minute No 116), be acknowledged. (b) That Cabinet decision CAB 105 be reaffirmed.		Performance) Committee, at its meeting held on 13 December 2016, endorsed Cabinet decision CAB 105 of 5 December 2016.	
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CAB 121 9.1.17 Open Key Decisions Yes Call-in to apply Yes Implementation Date 17 January 2017	<u>PROVISION OF ACCESS EQUIPMENT AND SERVICES FOR NEW WINDOWS AND EXTERNAL DECORATION AT CANADIAN ESTATE, DOVER</u> It was agreed: (a) That the Scrutiny (Policy and Performance) Committee's endorsement of Cabinet decision CAB 107, made at its meeting held on 13 December 2016 (Minute No 114), be acknowledged. (b) That Cabinet decision CAB 107 be reaffirmed.	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 13 December 2016, endorsed Cabinet decision CAB 107 of 5 December 2016.	

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<p>CAB 122 9.1.17 Open</p> <p>Key Decisions No</p> <p>Call-in to apply Yes</p> <p>Implementation Date 17 January 2017</p>	<p><u>ENFORCEMENT AND MONITORING OF PLANNING CONDITIONS</u></p> <p>It was agreed:</p> <p>(a) That the Scrutiny (Community and Regeneration) Committee's recommendation (a), made at its meeting held on 14 December 2016 (Minute No 69), be approved since the need to review the Planning Enforcement Plan (including a consideration of the planning conditions being imposed and how these are enforced) is acknowledged. The Portfolio Holder for Environment, Waste and Planning, the Chairman of the Planning Committee and the Planning Committee Spokesperson should be included in the review process, and be given clear terms of reference for this exercise.</p> <p>(b) That the Scrutiny (Community and Regeneration) Committee's recommendations (a) to (d) and (b), made at its meetings held on 12 October and 14 December 2016 respectively (Minute Nos 46 and 69), be considered as part of the review of the Planning Enforcement Plan where appropriate. These recommendations are as follows:</p> <p>(a) That the Head of Regeneration and Development be requested to provide the Committee with the following information:</p> <p>(i) The percentage of applications dealt with in-house and the percentage using private sector contractors.</p> <p>(ii) The number of trainees in the Planning Department.</p> <p>(iii) A copy of the manpower plan for the Planning Department.</p> <p>(b) That a system be created to ensure that every planning condition is implemented correctly as per the permission</p>	<p>None.</p>	<p>At its request the Scrutiny (Community and Regeneration) Committee, at its meetings held on 12 October and 14 December 2016, received briefings on planning enforcement issues in the District and made recommendations to Cabinet.</p>	
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	<p>granted.</p> <p>(c) That a system of monitoring, with key indicators, be created in respect of all planning conditions.</p> <p>(d) That, in the event of a standard planning condition in respect of road surfaces being developed, a copy of the condition be circulated to Members for information (recommendations of 12 October 2016).</p> <p>(b) That an outline of the systems in place for planning enforcement be provided to the Scrutiny (Community and Regeneration) Committee (recommendation of 14 December 2016).</p> <p>(c) That the Director of Governance be charged with reviewing the remits and areas of activity of both Scrutiny Committees as part of the ongoing review of the Council's Constitution.</p> <p>(d) That training for all Members on Planning enforcement matters be expedited.</p>			
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<p>CAB 123 9.1.17 Open</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p>	<p><u>ADOPTION OF NELSON STREET, DEAL CONSERVATION AREA CHARACTER APPRAISAL</u></p> <p>It was agreed:</p> <p>(a) That the proposed responses to the representations received and the resulting modifications to the Nelson Street, Deal Conservation Area Character Appraisal, as set out in Appendix 1 to the report, be</p>	<p>None.</p>	<p>At its meeting held on 5 September 2016, Cabinet approved a draft Conservation Area Character Appraisal for Nelson Street, Deal for public</p>	

Implementation Date 17 January 2017	<p>approved.</p> <p>(b) That the Nelson Street, Deal Conservation Area Character Appraisal as a material consideration for planning purposes, as set out in Appendix 2 to the report, be adopted.</p> <p>(c) That further work be undertaken to extend the Conservation Area boundary and to introduce an Article 4 Direction in response to the recommendations in the Nelson Street, Deal Conservation Area Character Appraisal.</p> <p>(d) That the Head of Regeneration and Development, in consultation with the Portfolio Holder for Environment, Waste and Planning, be authorised to make any necessary editorial changes to the Nelson Street, Deal Conservation Area Appraisal to assist with clarity, consistency, explanation and presentation.</p>		<p>consultation which has now been completed (CAB 41). Once adopted, the Character Appraisal will be a material consideration for planning purposes.</p> <p>Under the Planning (Listed Buildings and Conservation Areas) Act 1990 there is a requirement for local planning authorities to review their conservation areas and publish proposals for their preservation and enhancement, including the production of character appraisals.</p>	
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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 124	<u>FEES AND CHARGES 2017/18</u>	None.	The Council's	

<p>9.1.17 Open</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 17 January 2017</p>	<p>It was agreed:</p> <p>(a) That the fees and charges for 2017/18, as set out in Appendices 2 and 5.3 to the report, be approved.</p> <p>(b) That any fees and charges 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 from current charges or have a material impact on the level of income.</p> <p>(c) That the general principle 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, be approved.</p> <p>(d) That the fees and charges approved by the Licensing and Regulatory Committees, as set out in Appendices 3, 4, 5.1 and 5.2 to the report, be noted.</p> <p>(e) That the Director of Governance be authorised to vary the CON29 Land Charges to take account of the prevailing VAT requirements.</p>		<p>Constitution stipulates that the Council's fees and charges should be reviewed annually. Cabinet is now required to set the level of these for 2017/18.</p>	
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<p>CAB 125 9.1.17 Open</p> <p>Key Decisions No</p> <p>Call-in to apply</p>	<p><u>INFORMATION SECURITY, RISK AND GOVERNANCE FRAMEWORK AND POLICIES</u></p> <p>It was agreed:</p> <p>(a) That the Information Security and Governance Framework and the associated suite of Information Governance Policies at Appendix 3 to the report be approved for implementation from 9</p>	<p>None.</p>	<p>In order to improve the management and security of information held and used by Canterbury City and Dover and Thanet District</p>	

<p>Yes</p> <p>Implementation Date 17 January 2017</p>	<p>January 2017.</p> <p>(b) That the Director of Governance be authorised to make any future minor changes or amendments to the Framework and associated policies, providing that these changes do not change the substance of any of the policies.</p> <p>(c) That the Director of Governance be appointed as the Senior Information and Risk Officer for the Council, and be authorised to discharge the functions and responsibilities of that role, and the Head of Corporate Services be appointed as his deputy.</p>		<p>Councils, the East Kent Corporate Information Governance Group was formed to develop an Information Security and Governance Framework and an associated suite of Information Governance Policies for adoption across the three authorities.</p>	
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<p>CAB 126 9.1.17 Open</p> <p>Key Decisions Yes</p> <p>Call-in to apply Yes</p> <p>Implementation Date 17 January 2017</p>	<p><u>GUIDANCE ON SUSPECT DEVICES, PACKAGES AND CALLS</u></p> <p>It was agreed that the Guidance on Suspect Devices, Packages and Calls be adopted as a Health and Safety Policy of the Council.</p>	<p>None.</p>	<p>The Council has a responsibility to manage and minimise any risk caused by terrorist or similar attacks by putting sensible and proportionate measures in place. Once approved, the guidance will become part of the Council's Health and Safety policies.</p>	

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CAB 127 9.1.17 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 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.		

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 128 9.1.17 Exempt Key Decisions No Call-in to apply Yes Implementation	<u>COMPENSATION PAYMENT</u> It was agreed: <ul style="list-style-type: none"> (a) That the findings set out in the report be noted. (b) That the payment of compensation, for the consideration set out at paragraph 4.1 of the report, be approved. 	None.	Cabinet is requested to approve a payment as compensation for failings relating to the Council's inspection of building works to ensure compliance with Building Regulations.	

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The meeting ended at 11.43 am