

CABINET

Minutes of the meeting held on 15 June 2023 commencing at 7.00 pm

Present: Cllr. Thornton (Chairman)

Cllr. Perry Cole (Vice Chairman)

Cllrs. McArthur, Dyball, Maskell and Reay

Cllrs. Alger, Bulford, Camp, Granville, Gustard, Harrison, Robinson, Shea, Skinner, Streatfeild, Varley and Williams were also present.

Cllr Manston was present via a virtual media platform which does not constitute attendance under the Local Government Act 1972.

5. Minutes

Resolved: That the Minutes of the meeting of Cabinet held on 20 April 2023 and Special Cabinet held on 23 May 2023, be approved and signed by the Chairman as a correct record.

6. Declarations of interest

No additional declarations of interest were made.

7. Questions from Members (maximum 15 minutes)

A Member asked about the call for rural sites as part of the local plan process. The Chairman responded that the timeframe for the Regulation 18 consultation was set and it was planned to take place in the autumn. The Member followed-up by asking whether the 7000 homes mentioned some months ago were being sought. The Chairman set out that this was not a fixed number of homes which must be found.

A Member asked about voter identification, asking about the public being deterred from voting and the steps taken to encourage the vote. The Chairman asked the Chief Executive to provide information on the impact of voter ID in due course.

8. Matters referred from Council, Audit Committee, Scrutiny Committee, CIL Spending Board or Cabinet Advisory Committees (if any)

There were none.

9. Liability For Trees on Common Land

The Portfolio Holder for Cleaner & Greener introduced the report which updated Members on the current management of a number of Commons pursuant to a scheme made under the Commons Act 1899 and the extent of the Council's

liability. The Head of Direct Services advised that the Council made a scheme for the regulation and management of any Common within the District, under Section 1 on the Commons Act 1899 which was approved in 1925 by the Secretary of State and amended in 1963 and 1966. The Scheme identified approximately 280 hectares of commons land.

Legal advice on the Council's liability for trees on commons land had significantly changed. The Council's primary obligation is to preserve and protect the trees from harm, such as stopping unauthorised felling, rather than active arboriculture management. As there were identified owners of the Commons, the duty of care under the Occupiers Liability Act imposed a statutory duty on the occupier on visitors' safety. The Council should thus also change its working practice, to reflect Counsel's advice and recent case law, as it was not reasonable to expect the Council to bear all costs for arboriculture works across the commons land scheme.

Members discussed the report.

Public Sector Equality Duty

Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the recommendations set out in paragraphs 17-20 of the report be approved.

10. Government's Resilience Framework

The Portfolio Holder for Cleaner & Greener presented the report which provided an update on the UK Government Resilience Framework which had been published in December 2022. The new framework was built around three fundamental principles: a need for a shared understanding of the risks we face; focus on prevention and preparation; and that resilience requires a whole of society approach. The Government framework proposed a number of fundamental changes to the current local arrangements for resilience forums and accountability.

The Head of Direct Services advised that the framework was the first articulation of how the UK Government would deliver on a new strategic approach to resilience. He further highlighted to Members that the multi-agency work across planning, preparation, response and recovery at the local level would continue to be the building block of the UK's resilience. All risks and emergencies and their impacts were local; only some are regional or national.

In recognition of the central, and growing, role of Local Resilience Forum (LRF) and to ensure that all parts of England could anticipate, prevent, prepare for, respond, and recover from risks and emergencies, the UK Government planned to work to significantly strengthen LRFs. The Kent Resilience Forum had been recognised as current best practice. The three pillars to the reform were Leadership, Accountability, and Integration of resilience into the UK's levelling up and growth mission and wider local policy and place making.

Public Sector Equality Duty

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Members noted that consideration had been given to impacts under the Public Sector Equality Duty.

Resolved: That the report be noted.

IMPLEMENTATION OF DECISIONS

This notice was published on 16 June 2023. The decisions contained in Minutes 9 and 10 take effect immediately.

THE MEETING WAS CONCLUDED AT 7.17PM

CHAIRMAN