

CABINET

Minutes of the meeting held on 10 April 2014 commencing at 7.00 pm

Present: Cllr. Fleming (Chairman)

Cllrs. Bosley, Hogarth and Ramsay

An apology for absence was received from Cllr. Ms. Lowe

Cllrs. Ayres, Mrs. Ayres, Brookbank, Mrs. Clark, Mrs. Davison, Davison, Fittock, Mrs. George, Mrs. Hunter, Mrs. Morris, Mrs. Parkin, Piper, Scholey and Searles were also present.

90. Minutes

Resolved: That the minutes of the meeting of Cabinet held on 6 March 2014, be approved and signed as a correct record.

91. Declarations of interest

There were no additional declarations of interest.

92. Questions from Members (maximum 15 minutes)

There were none.

93. Matter referred from Council

Resolved: That the recommended proposed arrangements for Cabinet Advisory Committees for the next municipal year, be noted.

94. Matters referred from the Audit Committee and Scrutiny Committee (Paragraph 5.20 of Part 4 (Executive) of the Constitution)

a) Risk Management Strategy (Audit Committee – 18 March 2014, Minute 36)

This was considered under Minute 96.

95. Recommendations from the Cabinet Advisory Committees

a) Gypsies and Traveller Plan Consultation (Local Planning & Environment Advisory Committee – 25 March 2014)

This was considered under Minute 97.

b) Establishment of a Local Authority Trading Company Structure (Finance & Resources Advisory Committee – 26 March 2014)

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This was considered under Minute 98.

- c) Rural Broadband (Economic & Community Development Advisory Committee – 26 February 2014, and Finance & Resources Advisory Committee – 26 March 2014)

This was considered under Minute 99.

- d) White Oak Leisure Centre Asset Maintenance – Update (Economic & Community Development Advisory Committee – 26 February 2014, and Finance & Resources Advisory Committee – 26 March 2014)

This was considered under Minute 100.

- e) Asset Management Plan - Update (Finance & Resources Advisory Committee – 26 March 2014)

This was considered under Minute 101.

- f) Investment Strategy (Finance & Resources Advisory Committee – 26 March 2014)

This was considered under Minute 102.

CHANGE IN AGENDA ITEM ORDER

With the agreement of the meeting Agenda Item 8 was brought forward for consideration.

96. Gypsy and Traveller Plan - Site Options Consultation

The Portfolio Holder Local Planning & Environment presented the draft Gypsy and Traveller Plan which sought approval to go out to consultation site options. Government policy required local planning authorities to identify the accommodation needs of Gypsies and Travellers and prepare a plan to show how those needs would be met. The Council had undertaken a Gypsy, Traveller and Travelling Showpeople Accommodation Assessment (GTAA) in March 2012, which had identified a need for 72 pitches over the period 2012-2026. This consultation was the first stage of a process looking at 'potential' sites and inviting stakeholders to comment. It also included a 'call for sites' and suggestions would be welcome.

The Local Planning & Environment Advisory Committee had been updated and it was contained within the report, that the the Planning Inspector who was examining the Allocations and Development Management Plan (ADMP) had outlined that he planned to recommend a 'main modification' to the document, to allocate the identified site, land west of Enterprise Way, Edenbridge, for housing development, and therefore indicated that it would be incompatible for this site also to be considered for Gypsy and Traveller pitches. Officers and the Advisory Committee had therefore recommended that this site be removed from the consultation draft.

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If agreed the draft would go out for consultation in May/June 2014 and responses would inform the process as the Plan moved towards a further consultation stage. Before the Council could adopt a Gypsy and Traveller Plan it would be subjected to independent examination and found sound by a Government-appointed Planning Inspector. It was critical, therefore, that the suitability and deliverability of sites was robustly assessed and that sound planning reasons could be presented for the Council proposing or rejecting sites.

Members noted and considered the relevant minute and recommendations received from the Local Planning & Environment Advisory Committee which had considered the same report, and update.

Before moving any further the Chairman moved that the land west of Enterprise Way, Edenbridge be removed from the consultation document. This was put to the vote and agreed.

The Chairman took the meeting through each of the proposed sites (excluding the one already agreed to be removed) contained within the report and all Members had the opportunity to speak. The Chairman of the Local Planning & Environment Advisory Committee informed the meeting of the debate had at the meeting and highlighted the minutes and recommendations of to the Cabinet. Generally there had been concern over the cumulative effect and impact and lack of suitable infrastructure to accommodate many of these sites could cause. Since the meeting Officers had confirmed that Holly Mobile Home Park, Hockenden Lane, Swanley was not in an Air Quality Monitoring area and therefore was not being recommended for removal. However there had been much discussion as illustrated within the minutes and reasons given as to why certain areas were being recommended for removal from the consultation document.

Members were reminded that this was only the first stage of a lengthy consultation process and it was necessary to consult closer to the number of sites being sought. If there were no plan and evidence of clear and unmet need, then it would be hard to refuse applications through the development control process, and historically it had been shown that the planning inspectorate would look favourably on the applicant in the absence of a plan. A plan would also provide time to plan for necessary infrastructure etc. If all the sites were removed as as recommended by the Advisory Committee then only 37 pitches were left to consult on. Being part of the consultation document did not mean that these sites would make it to the final document, but due process needed to be demonstrated with sound and valid reasons provided for not considering certain sites, in order to be found sound and pass the robust testing by the Government appointed Planning Inspector.

It was noted that many of the potential site options were temporary sites being made permanent.

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With regards to Barnfield Park, Ash-cum-Ridley Officers agreed with the points raised by the local councillor at the Advisory Committee that good reasons had been provided to remove this site from the consultation. These related to the scale of the existing site and the scale of the 'settled' community of Ash. Officers noted that national planning policy for Gypsy and Traveller sites states that 'when assessing the suitability of sites in rural or semi-rural settings, local planning authorities should ensure that the scale of such sites does not dominate the nearest settled community'.

The Cabinet were also addressed by speakers from Shoreham Parish Council concerning the unsuitability of land south of Mesne Way, part of Timberden Farm, Shoreham and doubted the accuracy of the Salford GTTAA Study; and a speaker from CBRE representing the landowner at Fort Halstead who suggested that the site's location in the Area of Outstanding Natural Beauty and its importance for biodiversity indicated that it gave reasons why the site should be considered for early exclusion.

Many of the points made during the debate were why the consultation process was required and were issues that needed to be fed into the consultation process.

Resolved: That

- a) the 'Gypsy and Traveller Plan – Site Options Consultation', set out as Appendix 1 to the report, and the Gypsy and Traveller Plan – Site Options – Assessments, set out as Appendix 2 to the report with Barnfield Park, Ash-cum-Ridley and land west of Enterprise Way, Edenbridge removed as potential site options, be published for consultation (along with the Sustainability Appraisal) during a period to be agreed by the Portfolio Holder;
- b) the Portfolio Holder be authorised to agree minor presentational changes and detailed amendments to the consultation documents to assist their clarity; and
- c) the consultation document be published on the Council's website and made available to purchase in hard copy at a price to be agreed by the Portfolio Holder.

97. Risk Management Strategy

The Portfolio Holder for Finance & Resources presented the report which sought adoption of a revised strategy. The Strategy had been updated to reflect the introduction of the Council's new Corporate Plan and to ensure that all risk management activity was undertaken to help the Council achieve the Vision and Promises set out. The Strategy set out how the Council would approach risk management, the outcomes it expected to achieve and the practice it would adopt to ensure effective governance of the Council's risk management arrangements. Members noted and considered the relevant minute and recommendation received from the Audit Committee considered the same report.

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In response to a question the Audit Risk and Anti Fraud Manager advised that the strategy would work for other proposals as set on the agenda such as a local authority trading company and the proposed investment strategy.

Public Sector Equality Duty

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

Resolved: That the Council Risk Management Strategy be adopted.

98. Establishment of a Local Authority Trading Company Structure

The Portfolio Holder for Finance & Resources presented the report which sought authorisation in principal to the creation of a local authority trading company structure to facilitate opportunities for income generation in order to reduce the reliance on Government grants. Members noted and considered the relevant minute and recommendations received from the Finance & Resources Advisory Committee who had considered the same report.

The Chairman requested that any executive appointments be made on merit and ability with a person specification outlining the necessary skills required. He also wished to see appointments of Non Executive Directors. The Chief Officer Legal and Governance advised another report would come forward to the June meetings of the Finance & Resources Advisory Committee and then Cabinet and that at the moment external legal advice would be needed to report back on the finer detail.

Public Sector Equality Duty

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

Resolved: That

- a) the Chief Officer Legal and Governance be authorised to incorporate a company wholly owned by the Council so as to allow the Council to exercise the power to trade contained in the Local Government Act 2003 and the Localism Act 2011;
- b) the broad governance and funding arrangements for the trading company as set out in the report subject to the incorporation of Non Executive Directors and the appointments of Executive and Non Executive being made on merit, be approved and the Chief Officer Legal and Governance in consultation with the Chief Executive, Chief Finance Officer and Portfolio Holder for Finance and Resources be given delegated authority to settle the detailed arrangements for the establishment of the company;
- c) consideration be given by the Cabinet as appropriate to any individual business cases in respect of the use of the Council's trading powers as part of the development of the future strategy for income generation;

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- d) further details be reported to the June meeting of Finance & Resources Advisory Committee and the following Cabinet with draft Memorandum and Articles of Association.

99. Rural Broadband

The Chief Officer Communities and Business presented the report advising Cabinet of the six options that had been analysed by Officers to improve Broadband in the District, as detailed within the report. Members noted and considered the relevant minutes and recommendations received from the Economic & Community Development Advisory Committee and the Finance & Resources Advisory Committee who had considered the same report.

The Portfolio Holder for Economic & Community Development advised that the window for any commercial opportunity for Option 5 had passed, but that Option 2 presented a good role for the Council which was already well positioned with in house expertise.

Public Sector Equality Duty

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

Resolved: That the following Options be agreed:

- a) Option 1 – Assist local communities in taking advantage of the BDUK and RCBF rollout Continuing to develop the relationship with BT and assisting in delivery of the BDUK and RCBF projects; and
- b) Option 2 - Working with small network providers to encourage them to invest in the District. Developing the relationship with small private sector providers. Giving them information about specific areas of the District that have subpar speeds. Putting them in contact with local communities, parish councils and broadband working groups so that the companies could present to local communities.

100. White Oak Leisure Centre Asset Maintenance - Update

(Exempt Information by virtue of Para. 3 of Part 1 of Schedule 12A LGA 1972)

The Portfolio Holder for Finance & Resources presented the confidential report. Members noted and considered the relevant minutes and recommendations received from the Economic & Community Development Advisory Committee and the Finance & Resources Advisory Committee who had considered the same report.

Public Sector Equality Duty

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

Resolved: That

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- a) the Cabinet confirm it's continued support for leisure centre provision in Swanley;
- b) The White Oak leisure centre continue to be maintained until such time as a replacement leisure centre is in place;
- c) the sites named in paragraphs 51 and 53 of the report be further investigated;
- d) the Chief Officer Communities and Business be authorised to fully investigate and prepare a business case for the options set out in paragraphs 55 and 56 of the report;
- e) the option to refurbish the existing centre, as detailed in paragraph 50, not be pursued.

101. Asset Management Plan Update

(Exempt Information by virtue of Para. 3 of Part 1 of Schedule 12A LGA 1972)

The Portfolio Holder for Finance & Resources presented the confidential report. An addendum replacing wording at paragraph 7 and correcting spellings within paragraph 11 of the report was noted. Members also noted and considered the relevant minute and recommendations received from the Finance & Resources Advisory Committee who had considered the same report.

Public Sector Equality Duty

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

Resolved: That approval, in principle, be granted for the disposal of land and properties identified within the report.

102. Investment Strategy

(Exempt Information by virtue of Para. 3 of Part 1 of Schedule 12A LGA 1972)

The Portfolio Holder for Finance & Resources presented the confidential report. An addendum removing wording from paragraph 24 of the report was noted. Members also noted and considered the relevant minute and recommendations received from the Finance & Resources Advisory Committee who had considered the same report.

Public Sector Equality Duty

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

Resolved: That

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- a) the proposed approach to the principle of an Investment Strategy based on property assets, be approved;
- b) the proposed Investment Strategy be adopted subject to the criteria as set out at paragraph 22 of the report;
- c) it be recommended to Council that the figure identified within the report, be set aside from a review of reserves, for the purposes of the proposals outlined in the Investment Strategy

IMPLEMENTATION OF DECISIONS

This notice was published on 14 April 2014. The decisions contained in Minutes 96 and 97 take effect immediately. The decisions contained in Minutes 98, 99, 100, 101, 102 (a) & (b) take effect on 24 April 2014.

THE MEETING WAS CONCLUDED AT 9.14 PM

CHAIRMAN