

Record of the decisions of the meeting of the **CABINET** held at the Council Offices, Whitfield on Monday, 5 July 2010 at 11.00 am.

Present:

Chairman: Councillor P A Watkins

Councillors: T J Bartlett  
S S Chandler  
N J Collor  
P G Heath  
N S Kenton  
I H Ward

Also Present: Councillor B W Bano  
Councillor B W Butcher  
Councillor C J Meredith  
Councillor S R Nicholas  
Councillor J M Smith

Officers: Chief Executive  
Director of Development and Public Protection  
Director of Finance and ICT  
Director of Housing, Culture and Community Safety  
Director of Property, Leisure and Waste Management  
Solicitor  
Property Services Manager  
Democratic Support Officer

Apologies for absence were received from Councillors F J W Scales and C J Smith.

### DECISIONS

The Decisions of the meeting of the Cabinet held on 7 June 2010 as detailed in decision Nos CAB 1 to CAB 8 were approved as a correct record and signed by the Chairman.

**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)
<p>CAB 9 5.7.10 Open</p> <p><b>Key Decisions</b> No</p> <p><b>Call in to apply</b> Yes</p> <p><b>Implementation Date</b> 13 July 2010</p>	<p><u>ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES – REGENT, VICTORIA PARADE, DEAL</u></p> <p>It was agreed:</p> <p>(a) That the Scrutiny (Policy and Performance) Committee's recommendation (i), endorsing Cabinet decision CAB 8(a), made at its meeting held on 15 June 2010 (Minute No 75), be acknowledged.</p> <p>(b) That the Scrutiny (Policy and Performance) Committee's recommendations (ii) to (iv), made at its meeting held on 15 June 2010 (Minute No 75), be approved.</p> <p>(c) That Cabinet decision CAB 8 be reaffirmed.</p>	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 15 June 2010, endorsed Cabinet decision CAB 8(a) and made additional recommendations (Minute No 75).	

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 10 5.7.10 Open</p> <p><b>Key Decisions</b> No</p> <p><b>Call-in to apply</b> Yes</p>	<p><u>ISSUES ARISING FROM OVERVIEW AND SCRUTINY OR OTHER COMMITTEES – 4TH QUARTER 2009/10 PERFORMANCE REPORT</u></p> <p>It was agreed:</p> <p>(a) That the Scrutiny (Policy and Performance) Committee's recommendations (a) and (b), endorsing Cabinet decision CAB 5, made at its meeting held on 15 June 2010 (Minute No 80), be acknowledged.</p>	None.	The Scrutiny (Policy and Performance) Committee, at its meeting held on 15 June 2010, endorsed Cabinet decision CAB 5 and made an additional recommendation	

<b>Implementation Date</b> 13 July 2010	(b) That the Scrutiny (Policy and Performance) Committee's recommendation (c), made at its meeting held on 15 June 2010 (Minute No 80), be approved.  (c) That Cabinet decision CAB 5 be reaffirmed.		(Minute No 80).	
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<b>Decision Status</b>	<b>Record of Decisions</b>	<b>Alternative options considered and rejected (if any)</b>	<b>Reasons for Decision</b>	<b>Conflicts of interest (if any) declared by decision maker(s) or consultees (if any)</b>
CAB 11 5.7.10 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 13 July 2010	<u>AGREEMENT BETWEEN KENT COUNTY COUNCIL AND DOVER DISTRICT COUNCIL REGARDING FLY-TIPPING ENFORCEMENT</u>  It was agreed that powers be delegated to Kent County Council to allow its officers to carry out surveillance and enforcement relating to fly-tipping cases within the Dover District.	To not delegate powers.	The Council is a partner in the Clean Kent Campaign which deals with litter, fly-tipping, etc issues. DDC officers have the authority to undertake investigation and enforcement regarding fly-tipping offences within the District. The approved recommendation will enable KCC's Clean Kent Campaign officers to undertake investigation and enforcement activities in the District with DDC partners.	

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CAB 12 5.7.10 Open  <b>Key Decisions</b> No  <b>Call-in to apply</b> Yes  <b>Implementation Date</b> 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 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 1972 Act.	None.		

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 13 5.7.10 Exempt  <b>Key Decisions</b> Yes  <b>Call-in to apply</b> No  <b>Implementation Date</b> 7 July 2010	<u>SHORT-TERM AND LONG-TERM CONTRACTS FOR RESPONSE MAINTENANCE AND VOID WORKS</u>  It was agreed:  (a) That the procurement of a short-term contract for approximately 7 months for response maintenance and void works, with an extension provision to cover any emergency overruns in letting the new long-term contract, for commencement just before the end of the 26-week notice period given by the current contractor, be approved.  (b) That the Council simultaneously commence the procurement process for a new EU-compliant four-year long-term contract, to terminate on 31 March 2015 and to include an option of a possible 10-year extension.	None.	The current contract for housing response maintenance and void works was due to expire on 31 March 2015. However, the current contractor has given notice to reduce the contract period to December 2010. There is therefore a need to award new short-term	

	<p>(c) That, in view of the urgent need to re-tender for the contracts, the Chairman of the Council be requested to suspend call-in.</p>		<p>and long-term contracts, the short-term contract being necessary to cover the interim period before commencement of the long-term contract.</p> <p>In view of the urgent need to procure new contracts in order to maintain continuity of service, the Chairman of the Council is requested to suspend call-in.</p> <p>(In accordance with the provisions of Section 100(B)(4)(b) of the Local Government Act 1972, the Chairman agreed that this item, which was not detailed on the agenda, should be considered as a matter of urgency for the reason that procurement</p>	
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			needed to be progressed as quickly as possible in order to ensure continuity of service).	
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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)
<p>CAB 14 5.7.10 Exempt</p> <p><b>Key Decisions</b> No</p> <p><b>Call-in to apply</b> Yes</p> <p><b>Implementation Date</b> 13 July 2010</p>	<p><u>EAST KENT WASTE PROJECT</u></p> <p>It was agreed:</p> <p>(a) That the decisions of the East Kent (Joint Arrangements) Committee (EKJAC), taken at its meeting held on 19 May 2010, be noted, as follows:</p> <p>(i) That EKJAC agrees the proposal to use the Alternate NOM as the base model to be priced by tenderers in the procurement for the waste collection, disposal and cleansing services for Dover, Shepway and Kent County Council (KCC).</p> <p>(ii) That the Alternate NOM is used in the future for the development of services in Canterbury and Thanet.</p> <p>(iii) That the required additional future funding to complete the current procurement process is met initially by KCC, with the part contributions to these costs by the districts being deducted from their Enabling Payments once these commence.</p> <p>(iv) That delegated authority is given to the Chief Executive of Dover District Council, in consultation with the Chief Executives of Kent, Shepway, Canterbury and Thanet</p>	<p>None.</p>	<p>The four district councils in east Kent, plus Kent County Council, have formed a partnership to deliver waste services.</p> <p>Cabinet is requested to note the proposals agreed by the East Kent (Joint Arrangements) Committee for progressing the procurement process for waste collection, processing and haulage and cleansing services, and to agree payment arrangements.</p>	

	<p>councils, to determine the formula to share the outstanding and future project development costs of completing the first phase of procurement in the East Kent Joint Waste project, but if he considers there is difficulty in reaching a consensus, he may refer it to this Committee for decision.</p> <p>(v) That KCC will provide capital funding for additional containerisation up to the figures set out in the table under paragraph 2.6 of the report for each district. KCC will deal with any revenue fluctuations that arise from the borrowing of these funds.</p> <p>(b) That the net disposal savings generated by the new service arrangements as set out at Appendix 1 of the report to the EKJAC be retained by KCC, and that KCC limits the sums payable to the districts to the enabling payments for each authority as set out in the table under paragraph 2.7 of the report, plus the alternate view payments to Canterbury and Thanet as set out in paragraph 2.10 of the report.</p> <p>(c) That, provided the overall waste diversion increases in East Kent, KCC will share 50% of the savings with the East Kent districts and that the allocation between the districts will be based on a simple formula pro-rata to their populations.</p> <p>(d) That the amendments set out in the supplementary agenda papers for EKJAC (see Appendix B) relating to paragraphs 2.8, 2.11 and 6.3 of the report be approved.</p>			
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The meeting ended at 11.11 am.