

AGENDA

CABINET MEETING

Date: Wednesday, 4 November 2015
Time: 7.00 pm
Venue: Council Chamber - Swale House

Membership:

Councillors Bowles (Chairman), Mike Cosgrove, Duncan Dewar-Whalley, Gerry Lewin (Vice-Chairman), Ken Pugh, David Simmons, Mike Whiting, Ted Wilcox and John Wright

Quorum = 3

RECORDING NOTICE

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	Pages
1. Apologies for Absence	
2. Minutes	
To approve the Minutes of the Meeting held on 7 October 2015 (Minute Nos. 251 - 260) as a correct record.	
3. Declarations of Interest	
Councillors should not act or take decisions in order to gain financial or other material benefits for themselves or their spouse, civil partner or person with whom they are living with as a spouse or civil partner. They must declare and resolve any interests and relationships.	
The Chairman will ask Members if they have any interests to declare in respect of items on this agenda, under the following headings:	
(a) Disclosable Pecuniary Interests (DPI) under the Localism Act	

2011. The nature as well as the existence of any such interest must be declared. After declaring a DPI, the Member must leave the meeting and not take part in the discussion or vote. This applies even if there is provision for public speaking.

(b) Disclosable Non Pecuniary (DNPI) under the Code of Conduct adopted by the Council in May 2012. The nature as well as the existence of any such interest must be declared. After declaring a DNPI interest, the Member may stay, speak and vote on the matter.

Advice to Members: If any Councillor has any doubt about the existence or nature of any DPI or DNPI which he/she may have in any item on this agenda, he/she should seek advice from the Director of Corporate Services as Monitoring Officer, the Head of Legal or from other Solicitors in Legal Services as early as possible, and in advance of the Meeting.

Part A Report for recommendation to Council

4. Council Tax Support Scheme 2016/17 1 - 6

Part B Reports for Decision by Cabinet

5. Health and Safety Policy Review 7 - 10
6. Local Engagement Forum Update 11 - 14
7. Disposal of Land at Ceres Court, Murston 15 - 22
8. Exclusion of Press and Public

To decide whether to pass the resolution set out below in respect of the following item:

That under Section 100A(4) of the Local Government Act 1972, the press and public be excluded from the meeting for the following item of business on the grounds that it involves the likely disclosure of exempt information as defined in Paragraph 3 of Part 1 of Schedule 12A of the Act:

3. Information relating to the financial or business affairs of any particular person (including the authority holding that information).

9. Exempt Appendix III: Disposal of Land at Ceres Court, Murston 23 - 24

Issued on Monday, 26 October 2015

The reports included in Part I of this agenda can be made available in **alternative formats**. For further information about this service, or to arrange for special facilities to be provided at the meeting, **please contact DEMOCRATIC SERVICES on 01795 417330**. To find out more about the work of the Cabinet, please visit www.swale.gov.uk

Corporate Services Director, Swale Borough Council,
Swale House, East Street, Sittingbourne, Kent, ME10 3HT

Cabinet	Agenda Item: 4
Meeting Date	4 November 2015
Report Title	Council Tax Support Scheme 2016/17
Cabinet Member	Cllr Duncan Dewar-Whalley, Cabinet Member for Finance
SMT Lead	Pete Raine/Mark Radford
Head of Service	Amber Christou/Nick Vickers
Lead Officer	Zoe Kent/Nick Vickers
Recommendations	1. That the Council Tax Support scheme for 2016/17 is kept the same as 2015/16, and Council Tax Support continues to be reduced by 15%

1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to consider the percentage reduction from Council Tax Support that should be set for 2016/17, based upon an analysis of the current Council Tax Support Scheme's effects on collection and benefit claimants, and the financial position of the Council.

2 Background

- 2.1 The localisation of Council Tax Support (CTS) has been in place since 1 April 2013. Prior to its implementation, a Kent-wide CTS scheme was agreed for a period of three years whereby all districts agreed to reduce CTS by 18.5%, although this amount could be reduced to a lower percentage if the district took measures to reduce its empty property discounts.
- 2.2 By reducing the short term empty property discount from six to three months, and removing the long term empty property and second home discounts, Swale Borough Council was able to reduce CTS by only 15% rather than 18.5%.
- 2.3 In addition, for 2013/14 the Council was able to reduce CTS by only 8.5% due to a transitional grant that was awarded by DCLG. However, in 2014/15 the grant was withdrawn so the reduction from CTS was increased back up to 15%.
- 2.4 In 2015/16 the short term empty property discount was reduced further from three months to one month only, and a 50% premium was charged for properties that have been empty for more than two years.
- 2.5 Analysis shows that all Kent districts have reduced the amount of CTS awarded based on the amendments they have made to their Council Tax discount schemes, and any subsidy they have decided to make towards their scheme. This is set out in Table 1 overleaf.

Table 1: Kent district authorities CTS reduction percentages

Council	2013/14 Reduction %	2014/15 and 2015/16 Reduction %
Tonbridge & Malling	8.5	18.5
Tunbridge Wells	8.5	18.5
Maidstone	8.5	13.0
Sevenoaks	8.5	18.5
Dartford	8.5	18.5
Gravesham	8.5	18.5
Swale	8.5	15.0
Ashford	8.5	10.0
Shepway	8.5	18.5
Canterbury	5.0	5.0
Dover	6.0	6.0
Thanet	5.5	5.5

Number of claimants

2.6 There has also been a fall in the number of claimants over the past 12 months. The number of pensioners claiming has also decreased as the pensionable age has continued to increase. Table 2 below show the current caseload for CTS claimants.

Table 2: CTS Caseload as at 1 October 2015

Category of claimant	Number
Working Age	7,105
Pension Age	5,039
Total	12,144

Expenditure on the Scheme

2.7 Expenditure on CTS has also fallen as a result of the drop in claimants. The total net expenditure figure as at 1 October 2015 was £9,705,260, compared with £9,985,740 as at 1 October 2014, a reduction of £280k or 2.8% - see Table 3 below.

Table 3: CTS expenditure as at 1 October 2015

Category of claimant	Spend	Percentage
Working, Age	£5,300,235	55%
Pension Age	£4,405,025	45%
Total	£9,705,260	

- 2.8 When CTS is awarded on 1 April for the financial year it is presumed that claimants will receive the amount due on 1 April for the whole of the year. But as claimants move or otherwise have changes to their circumstances their CTS is either increased or reduced. As Council Tax is a relatively low cost per week (on average £20 per week), when claimants start work they are often taken out of entitlement to CTS entirely, or their entitlement drops to very little.
- 2.9 Whilst it is difficult to predict the final expenditure for the year, the amount of CTS awarded has continued to fall throughout the year and unless there was a sudden rise in claims (for example if a large employer was to fold or move out of the area) it is likely that the expenditure at the end of the year will be less than predicted at the beginning.
- 2.10 Table 4 shows the cost of the CTS scheme to the Borough and the major preceptors in 2014/15, and the predicted expenditure for 2015/16.

Table 4: 2014/15 and 2015/16 Expenditure

	2014/15 Expenditure	2015/16 Predicted Expenditure
Full Cost (without reduction)	£11,735,000	£11,572,000
Cost with 15% reduction	£9,940,783	£9,700,000

Collection rates

- 2.11 Prior to the start of the scheme it was very difficult to predict how much council tax would be collected from benefit claimants under the new scheme, as many would be drawn into paying council tax for the first time. The Council, along with most other billing authorities, took a cautious view and predicted a collection rate of 50%. However, the collection rate reached a much higher 77.2%, probably because CTS was only reduced by 8.5% during 2013/14, so giving claimants a more manageable amount to pay during the first year of the scheme.
- 2.12 However in 2014/15 when CTS was reduced by 15%, the collection rate unexpectedly improved to 81.6%. Our view is that this is the outcome of most claimants now understanding that they are liable to make payments towards their Council Tax, and they have learned to budget accordingly.

Funding of the CTS Scheme

- 2.13 Funding to meet the costs of Council Tax Support is received by Council through the Revenue Support Grant (RSG). However, the amount of funding received through this mechanism is not made explicit, so we no longer know for certain how much funding we receive to fund CTS. Revenue Support Grant reductions are the mechanism that DCL use to reduce local authority funding, and between 2014/15 and 2015/16 the Council's RSG reduced by 32%, so our assumption is that funding for the CTS scheme has been reduced at the same rate as the RSG.
- 2.14 We are currently budgeting on the basis of a 30% reduction in the RSG each year over the next three years, and so our assumption will be that funding for the CST Scheme will be reducing at the same rate. As a result, funding CTS becomes another pressure which the Council has to fund.
- 2.15 Through the Kent Finance Officers Group discussions have taken place between the billing authorities and the preceptors, who receive the large majority of Council Tax collected. The preceptors are offering to continue the £125,000 payment to each billing authority to assist with the management of the CTS Scheme.
- 2.16 Whilst in our view a flat rate payment for all districts is not equitable, as authorities such as Swale have a much higher caseload than most others, and therefore a higher financial exposure, the continuation of the payment is welcome.
- 2.17 In March 2015 single unemployed claimants within the Borough started to claim Universal Credit. As the roll out of Universal Credit increases, and given that the Kent scheme will have been in place for four years, it has been agreed that there will be a fundamental review of the Kent scheme in time for the 2017/18 CTS scheme to be implemented. This will look to redesign the CTS scheme in light of the wider the financial impact of the welfare reform changes to ensure that the financial pressure upon the Council is manageable and that the scheme is designed to encourage people to work.

3 Proposal

- 3.1 It is proposed that the Council Tax Support scheme should be maintained as the current scheme reducing Council Tax Support by 15%. Claimants are now used to paying 15% towards their Council Tax, although we do have to work with a proportion of the claimants to ensure that they continue to make payments throughout the year. The collection rate as at 1 October 2015 (50.6%) shows that we should be on track to collect a similar percentage to 2014/15.
- 2.18 The Council's overall financial position should enable us to manage the budget pressures of keeping the proportion to be paid at 15% for another year, whilst the fundamental review mentioned in paragraph 2.17 is carried out. Options for future years, based upon the outcomes of that review, will be brought forward in due course.

4 Alternative Options

- 4.1 the contributions benefit claimants are required to make towards their Council Tax. This is not recommended as it may impact upon payment rates, and also upon incentives for work. Alternatively, the amount that CTS claimants are charged could be reduced so that the benefit claimants do not have to pay so much towards their Council Tax. Whilst lower charges to benefit claimants should lead to lower recovery costs, the disadvantage would be less revenue for the Council and the major preceptors, and confusion for claimants if we had to increase the amount payable again from 2017/18 when the Kent-wide agreement ends.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has been carried out between the Kent districts and the major preceptors.
- 5.2 As it is recommended that there will be no change to the scheme a public consultation is not required.
- 5.3 The views of Scrutiny Committee have also been sought.

6 Implications

Issue	Implications
Corporate Plan	<p>Running an effective and efficient CTS Scheme contributes to the Council priority of being a Council to be proud of. It also contributes to the priority of a Community to be proud of, as it supports the most vulnerable whilst creating incentives to work for those who are able to. The changes introduced through the Welfare Reform agenda and Local Council Tax Support Scheme are aimed at providing greater work incentives, which have the potential to positively impact on the economic prosperity of those returning to employment as well as the wider community. The amount of working age claimants has reduced, which results at least in part from movement of benefits claimants into work.</p> <p>Performance is measured through BV9 Percentage of Council Tax collected in year. If the reduction from CTS is kept the same as 2015/16 it is estimated that there will not be a drop in the collection rate because claimants are already aware of the amount they must pay.</p>
Financial, Resource and Property	<p>Post the November Comprehensive Spending Review and the December 2016/17 Grant Settlement announcement we will be in a better position to assess the size of expenditure reductions the Council is required to make in future years.</p> <p>The review of the CTS scheme across the whole County will fit in</p>

	well with this, and allow the financial implications to be incorporated in the Medium Term Financial Plan from 2017/18 onwards.
Legal and Statutory	The Local Government Finance Act 2012 provides the statutory basis for the scheme.
Crime and Disorder	It is unlikely that there has been any increase in crime or disorder from the 2015/16 scheme. Therefore we would not consider there to be any increase in risk for 2016/17.
Sustainability	No implications.
Health and Wellbeing	Residents who have difficulty in paying their Council Tax can put in a claim for a Section 13A discretionary award. Those whose health appears to be affected will be signposted to appropriate advice.
Risk Management and Health and Safety	The main risk to the Borough is a drop in the Council Tax collection rate due to non-payment. Collection rates are actively managed in order to mitigate this risk.
Equality and Diversity	As the proposal is for no change to the scheme, there are no equality and diversity implications beyond those covered in the CIA that was carried out for the 2015/16 scheme.

7 Appendices

7.1 None.

8 Background Papers

8.1 [Council Tax Support Scheme decision 2015/16.](#)

Cabinet Meeting	Agenda Item: 5
Meeting Date	04 November 2015
Report Title	Health and Safety Policy Review
Cabinet Member	ClIr Duncan Dewar-Whalley, Cabinet Member for Finance
SMT Lead	Mark Radford – Corporate Services Director
Head of Service	Anne Adams – Head of Property Services
Lead Officer	Emma Larkins – Health and Safety Officer
Key Decision	No
Classification	Open
Forward Plan	Yes
Recommendations	<ol style="list-style-type: none"> 1. Cabinet approve the revised Health and Safety Policy 2. Delegation be approved for the Head of Property in consultation with the Portfolio Holder for Finance to agree minor amendments to the Policy between full reviews.

1 Purpose of Report and Executive Summary

- 1.1 This report presents a revised Health and Safety Policy to Cabinet to consider and approve.
- 1.2 Swale Borough Council’s Health and Safety Policy was reviewed in September 2012 and is therefore due a full review. Following this current revision, the policy will be reviewed every three years. In between these times, the policy will be subject to annual review by the Health and Safety Committee to take account of minor legislative and organisational changes.
- 1.3 This report requests that the revised Policy is approved and that the Head of Property, in consultation with the Portfolio Holder for Finance (who has responsibility for health and safety) is able to agree minor amendments to the Policy between full reviews.

2 Background

- 2.1 Section 2 (3) of the Health and Safety at Work Act 1974, requires an organisation to prepare and revise as appropriate, a written health and safety policy. In addition, the Management of Health and Safety at Work Regulations 1999 requires an organisation to make and implement appropriate arrangements for the management of health and safety.

- 2.2 A Health and Safety policy comprises three sections:
- (i) general statement (a commitment to manage);
 - (ii) organisation (roles and responsibilities); and
 - (iii) systems, rules and procedures (although it is perfectly acceptable for this to be a synopsis with reference to a separate policy elsewhere).
- 2.3 The aim of the Health and Safety Policy is ultimately to protect, so far as is reasonably practicable, those employed by Swale Borough Council and those affected by its undertaking.
- 2.4 It is a desired outcome that this Policy will reduce workplace hazards and improve the management of health and safety, leading to an improved health and safety culture. It is also anticipated that implementation of this Policy will result in reduced claims against the Council, reduced vulnerability to prosecution, and contribute towards reduced sickness absence. There is, therefore, the potential to reduce costs to the organisation associated with these.
- 2.5 Swale Borough Council's current Health and Safety Policy underwent full review and was agreed by Cabinet in September 2012.
- 2.6 Adoption of the Health and Safety Policy is a Cabinet decision as identified in Part 3 of Swale Borough Council's constitution.

3 Proposals

- 3.1 It is recommended that the revised Health and Safety Policy attached as Appendix I is adopted to ensure that Swale Borough Council has an up to date policy, compliant with legal obligations. The Policy will be subject to a full review every three years.

The key changes that have been made to the Policy are as follows:

- Registered holder register and Legal register have been updated;
 - Sections 4.7 and 4.38 have been updated to reflect changed legislation and guidance;
 - Sections on volunteering (Section 4.45) and Wellbeing (Section 4.48) have been added; and
 - The organisational chart has been updated to include All Elected Members
- 3.2 Due to the need for regular, more minor updates, it is also proposed that the Head of Property Services, in consultation with the Portfolio Holder for Finance, is able to agree minor amendments to the Policy between full reviews. These

amendments would be reported through to the Health and Safety Committee. Major changes and full reviews would remain the responsibility of Cabinet.

- 3.3 In addition to the full review, the Health and Safety Committee will check the policy on an annual basis to ensure that it remains relevant to each Service Unit.

4 Alternative Options

- 4.1 With a Health and Safety Policy being a legal requirement and Swale Borough Council's policy being due for review, there is no practical alternative to introducing a revised Policy. However, adjustments to the proposed revised Policy can still be made prior to approving it.

5 Consultation Undertaken or Proposed

- 5.1 Consultation has taken place with the Health and Safety Committee. This Committee includes the portfolio holder with responsibility for health and safety, a representative(s) from each service unit, the UNISON health and safety representative, and is chaired by the Chief Executive of the Council. Suggested amendments to the Policy have been incorporated. The Policy Development and Review Committee has been consulted and have confirmed that the Health and Safety Policy does not need to go before them, nor does it need to be circulated for information.

6 Implications

Issue	Implications
Corporate Plan	Adoption of the revised Health and Safety Policy contributes towards the Council's priority to be 'A Council to be proud of'.
Financial, Resource and Property	It is not envisaged that the revised policy should entail any additional financial, resource or property implications to the current policy. An effective health and safety policy has the ability to benefit an organisation financially, through improved productivity, reduced civil claims and a reduced risk of prosecution by enforcing authorities.
Legal and Statutory	Implementing the revised health and safety policy will ensure compliance with the Health and Safety at Work Act 1974 and subsequent legislation made under this. Legal and statutory compliance reduces the Councils exposure to litigation and prosecution.
Crime and	None identified at this stage.

Disorder	
Sustainability	None identified at this stage.
Health and Wellbeing	The revised health and safety policy includes reference to health management and wellbeing promotion. Therefore adoption of this policy will have positive implications for health and wellbeing.
Risk Management and Health and Safety	<p>Implementing the revised health and safety policy will have positive implications for health and safety management, reducing the Council's vulnerability to criticism, civil claims and prosecution.</p> <p>The implemented policy provides a system and framework through which to manage the Council's health and safety risks.</p> <p>In terms of risk management, health and safety is one of the Council's biggest potential business risks, so it is imperative that an effective health and safety policy is implemented.</p>
Equality and Diversity	<p>A CIA has been completed for this policy. The revised health and safety policy applies to all staff and therefore does not have a specific negative impact upon any of the protected characteristics.</p> <p>The policy specifically makes reference to ensuring the safe evacuation of disabled persons to ensure that this group are not placed at a disadvantage. It also makes specific mention of the management of health and safety regarding pregnancy and maternity.</p>

7 Appendices

7.1 The following documents are to be published with this report and form part of the report:

- Appendix I: Health and Safety Policy V4
- Appendix II: Community Impact Assessment (CIA)

8 Background Papers

8.1 Health and Safety Policy V3 (September 2012)

Cabinet	Agenda Item: 6
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Meeting Date	4 November 2015
Report Title	Local Engagement Forums September 2015
Portfolio Holder	Clr Mike Whiting, Cabinet Member for Localism
SMT Lead	Pete Raine
Head of Service	Emma Wiggins
Lead Officer	Brooke Buttfeld
Key Decision	No
Classification	Open
Forward Plan	Yes

Recommendations	1. To note and consider the discussion and outcomes of the three Local Engagement Forums held during September 2015.
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Purpose of Report and Executive Summary

- 1.1 The report draws together notes of the discussion, outcomes and recommendations for Cabinet to consider following the recent Swale Local Engagement Forums (LEFs) of Faversham (9 September 2015), Sheppey (15 September 2015), and Sittingbourne (29 September 2015.)
- 1.2 The purpose of this report is to formalise the reporting relationship and encourage greater connectivity between the LEFs and Swale Borough Council's (SBC) Cabinet.
- 1.3 The report demonstrates to residents the potential of their forums to advise and influence local public services.
- 1.4 The next Swale Local Engagement Forums are being held during September 2015; Faversham (1 December 2015), Sheppey (8 December 2015), and Sittingbourne (15 December 2015). Cabinet is also asked to consider and suggest agenda items for future LEFs.

2 Background

- 2.1 The LEFs are one of the key consultation methods for the Council, providing a route for residents as a group to advise on the shape and future of public services in the borough. This report summarises the You Said We Did reports that are compiled after each LEF, including discussion and outcomes from the LEF for noting and discussion by the SBC Cabinet. It is hoped that this report will foster a two way dialogue. This report summarises the You Said We Did reports which are available online: <http://www.swale.gov.uk/LEF/>.

3 Proposal

- 3.1 To note the outcomes from each meeting (shown in Table 1) and feedback to the LEF chairmen as appropriate.

Table 1

Faversham LEF 8 September 2015 – Chairman Cllr Anita Walker
Issues
<ul style="list-style-type: none">• Kent Police led a discussion about the current work taking place with the community to encourage various areas to take up speed watch by introducing the ‘20 is Plenty’ speed reduction campaign.• Mark Radford, Director of Corporate Services, outlined the planning consent conditions for Domino’s Pizza in Faversham and residents and members raised issues.• Charlotte Hudson, Economy and Community Services Manager, and Stephanie Curtis, Safer and Stronger Communities Officer, attended the meeting to run a short consultation on SBC’s Community Safety Priority Setting exercise.• A representative from the Natural England gave a presentation on the England Coast Path and answered questions from residents and Members’ on the new National Trail around England’s entire coast.
Outcomes
<ul style="list-style-type: none">• Following the discussion led by Kent Police, the community were updated on the progress of the scheme and reassured that the Police are liaising with the community to make the area a safer place for residents.• The issues raised by residents and members regarding the new takeaway in Faversham were answered by Mark Radford, and any unable to be answered were reported back in the You Said We Did, for further clarification at the next Faversham LEF.• Residents and members were informed of the online questionnaire and were able to share their views on crime and anti-social behaviour in the area.• The community and members were made aware of the current progress in relation to development of the Coast Path and also information around the drop-in events which will be taking place in Faversham.
Sheppey LEF 15 September 2015 – Chairman Cllr Ken Ingleton
Issues
<ul style="list-style-type: none">• Kent Police responded to various questions raised by the public in relation to the Pony and Trap Drive which took place through the Island in August, by outlining what Kent Police did about the situation, and what suggestions have been made to the organisers if the event was to happen again in the future.• Sarah Williams, Assistant Director at Swale CVS, provided an update in relation to Big Local Eastern Sheppey and the improvements the scheme has made to the eastern end of the Island.• Members of the Forum discussed the Sheppey Lower Road and cycle track, highlighting safer alternatives for the road.• Bill Ronan provided the Forum with information about the Kent Environment Strategy Consultation and how to express their points in relation to the strategy.
Outcomes

- Residents and members were reassured about the event and precautions taken, and were also informed of various ways to report any concerns/complaints they had in relation to the event.
- Residents and members were made aware of the positive implications the scheme has had on the eastern end of the Island and were also informed of how to get involved in the partnership.
- Suggestions were taken on board by Swale Borough Council and residents were reassured that the particular route is on the agenda at SBC and a consultation is planned for the near future.
- Residents and members were made aware of the Kent Environment Strategy Consultation and were able to receive answers to any queries they had.

Sittingbourne LEF 29 September 2015 – Chairman Cllr Sue Gent

Issues

- Kent Police led a discussion about the ‘Swale Safe’ partnership, highlighting that it is a business crime reduction partnership between Swale town retailers and other town centre businesses, SBC and Kent Police.
- A representative from the Natural England gave a presentation on the England Coast Path and answered questions from residents and Members’ on the new National Trail around England’s entire coast.
- Charlotte Hudson, Economy and Community Services Manager, and Stephanie Curtis, Safer and Stronger Communities Officer, attended the meeting to run a short consultation on SBC’s Community Safety Priority Setting exercise.
- An update was provided by representatives from Kent Science Park in relation to the 20 year masterplan which was been developed for the site.
- Cllr Roger Clark asked for action to stop lorries parking overnight in Tribune Drive, Trinity Trading Estate, Sittingbourne.

Outcomes

- Residents were informed of the Swale Safe partnership and reassured that retail crime is on the agenda at Kent Police and were also made aware of how to become a member of Swale Safe.
- The community and members were made aware of the current progress in relation to development of the Coast Path and also information around the drop-in events which will be taking place in the area.
- Residents and members were informed of the online questionnaire and were able to share their views on crime and anti-social behaviour in the area.
- Residents and members were informed of the current masterplan and were notified of various consultation events happening in the area to formally submit their views and ideas.
- Tony Henley responded to Cllr Clark saying that he was aware of the problem, which had been raised previously by Cllr Clark and by Gordon Henderson MP, and his sergeant is looking into this and would be making recommendations.

4 Alternative Options

- 4.1 Not applicable as this is an update report for noting and consideration.

5 Consultation Undertaken or Proposed

- 5.1 The public were given the opportunity at each LEF to question and challenge public sector representatives about the issues discussed at the meeting.

6 Implications

Issue	Implications
Corporate Plan	The LEFs contribute towards the SBC corporate priority of Embracing Localism as they are one of the key projects for empowering local residents. In particular they contribute to the aims of enabling members to champion communities and improving local consultation and engagement.
Financial, Resource and Property	<i>None identified at this stage.</i>
Legal and Statutory	<i>None identified at this stage.</i>
Crime and Disorder	Residents can engage directly with senior police officers at the meetings.
Sustainability	<i>None identified at this stage.</i>
Health and Wellbeing	<i>None identified at this stage.</i>
Risk Management and Health and Safety	<i>None identified at this stage.</i>
Equality and Diversity	One of the aims of the You Said We Did is to report the issues raised and questions asked at the meeting as accurately as possible, so as not to discriminate against anyone who raises an issue at the meeting. The reports remain live and residents can challenge it they are incorrect. If the amendment is approved, they are then updated on the online version of the report.

7 Appendices

- 7.1 There are no additional documents to be published with this report.

8 Background Papers

- 8.1 [LEF Terms of Reference](#)

Cabinet Meeting	Agenda Item: 7
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Meeting Date	4 November 2015
Report Title	Disposal of Land at Ceres Court, Murston
Portfolio Holder	Councillor Duncan Dewar-Whalley
SMT Lead	Mark Radford
Head of Service	Anne Adams
Lead Officer	Kent Parker
Key Decision	No
Classification	Open with restricted appendix
Forward Plan	Yes

Recommendations	<ol style="list-style-type: none"> 1. That the Council agrees in principle to transfer the freehold of the open space land at Ceres Court to AmicusHorizon on the terms agreed. 2. That the Head of Legal be authorised to complete the necessary legal formalities and to advertise the proposed disposal of open space.
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1 Purpose of Report and Executive Summary

- 1.1 The purpose of this report is to obtain approval for the freehold transfer of the Council owned open space land at Ceres Court (as shown on the attached plan Appendix I) to AmicusHorizon who have approached the Council seeking to acquire the land with a view to demolishing their existing flats on the adjacent site and redeveloping it for new social housing provision.
- 1.2 The proposed disposal would provide improved social housing of the right type, have benefits in terms of regeneration and improved open space. The existing ball court and outdoor gym equipment is to be retained and relocated within the scheme.

2 Background

- 2.1 The property comprises an area of open space land adjacent to the existing flats which was retained by the Council as amenity land when the housing stock was transferred to Swale Housing Association in 1990. The open space has been subsequently improved in partnership with AmicusHorizon through the provision of a ball court (on the former car parking area owned by AmicusHorizon) and installation of outdoor fitness equipment several years ago;
- 2.2 The AmicusHorizon owned site is currently occupied by three similar four storey blocks of local authority built flats, believed to have been built in the 1950's with

surrounding communal gardens, play and exercise areas and a tarmac laid parking area to the front.

2.3 Whilst considering the redevelopment of their existing flats AmicusHorizon saw an opportunity to include the adjacent Council owned open space within the scheme. This would mean the development could be designed to incorporate more attractive amenity space within the scheme whilst retaining the existing facilities i.e. the ball court and the outdoor fitness equipment. It would also increase the number of affordable housing units that could be provided.

2.4 AmicusHorizon's proposals are:

- To purchase the open space from SBC subject to planning permission being obtained for the proposed re-development of the flats;
- The proposed re-development will replace the existing 78 flats with 14 shared ownership (1 x 1 bed, 7 x 2 bed, 6 x 3 bed) and 26 affordable rented houses (3 x 1 bed, 13 x 2 bed, 10 x 3 bed). The proposed scheme is shown on the attached plan Appendix II;
- The purchase price (see Appendix III) has been agreed following an independent valuation. This reflects the marriage value created by the merging of the two sites which will enable the provision of an additional 8 affordable housing units and is considered to represent the best consideration reasonably obtainable;
- Deliver good quality affordable rented and shared ownership homes for local people to replace the existing sub-standard blocks of flats;
- The scheme provides 61 allocated on-site car parking bays and communal grounds including a Multi-Use games Area and a central landscaped courtyard;
- It is proposed to retain the Council's relocated outdoor fitness equipment within the scheme for the benefit of the local community. The Council will retain responsibility for its ongoing maintenance.

2.5 An independent valuation has been obtained and the agreed sale price, which reflects the marriage value created by the merging of the two sites, is provided in the exempt Appendix III. The valuation is based on the assumption that the Council's open space land has no development potential on its own. By merging the two sites together this would increase the development value of the whole site as more houses could be accommodated.

2.6 As the land consists of open space land there is a statutory requirement to advertise the proposed disposal of open space and consider any objections. AmicusHorizon's proposed timescale is to be able to start on site in January 2016. It is therefore

proposed to advertise the disposal of open space as soon as possible which is likely to be before a decision on the planning application.

- 2.7 The disposal of this asset links to the Council's corporate priorities by providing new good quality social housing which the Council nominate local households to live in. It also supports regeneration objectives and provides improved open space whilst retaining the relocated recreational facilities. Whilst the Council will retain responsibility for maintaining the outdoor fitness equipment there will be a reduction in grounds maintenance liability.

3 Proposal

- 3.1 That the Council agrees in principle to transfer the freehold of the open space land at Ceres Court to AmicusHorizon on the terms agreed.
- 3.2 That the Head of Legal be authorised to complete the necessary legal formalities and to advertise the proposed disposal of open space.

4 Alternative Options

- 4.1 The alternative option that has been considered and discounted is to do nothing *i.e. retain existing open space*: This would be a missed opportunity to achieve improved open space provision within the proposed new development, reduce maintenance liability, achieve a capital receipt and enable an additional 8 no. social housing units to be provided. This is therefore an example of where the Council has a role in helping to facilitate a social housing scheme that will have a positive regeneration impact on the Murston area.

5 Consultation Undertaken or Proposed

- 5.1 Consultations have been carried out with the Head of Housing and the Open Spaces Manager who support the proposal. AmicusHorizon have also had initial discussions with Planning Services regarding their proposals.
- 5.2 Initial consultations were also carried out with the Cabinet Members for Finance, Environmental and Rural Affairs and Housing who were supportive of the proposals in principle. Ward Members have also been consulted/informed of the proposal.

6 Implications

Issue	Implications
Corporate Plan	This proposal supports the Council's corporate priorities of a borough and a community to be proud of through being an example of the

	Council working with its partners to help to facilitate the provision of additional good quality social housing for rent and shared ownership and contribute to the regeneration of the area.
Financial, Resource and Property	The consideration to be paid for the land is set out in the exempt Appendix III and reflects the marriage value released by merging the ownership of the two sites to create a larger development site. The proposal will also reduce the Council's grounds maintenance liability in the future.
Legal and Statutory	The proposed disposal will be for the best consideration reasonably obtainable in accordance with section 123 of the Local Government Act 1972.
Crime and Disorder	The redevelopment of this site will be considered for 'secure by design' implications at the planning stage. Provision of public open space will provide positive diversionary activities.
Sustainability	The additional new homes will be constructed to the highest energy efficiency rating replacing the current inefficient buildings.
Health and Wellbeing	The improvement of the open space and the outdoor recreation and fitness facilities will benefit the health and wellbeing of the local community.
Risk Management and Health and Safety	There is a risk of planning permission not being granted which would mean the proposal could not proceed.
Equality and Diversity	None identified at this stage, but the detailed scheme will need to be assessed for its equality impact by Amicus as the detail is worked up

7 Appendices

7.1 The following documents are to be published with this report and form part of the report

- Appendix I: Site Plan
- Appendix II: Proposed scheme layout
- Appendix III (Restricted): Details of sale price

8 Background Papers

8.1 None.

Sale of Open Space Land at Ceres Court, Murston

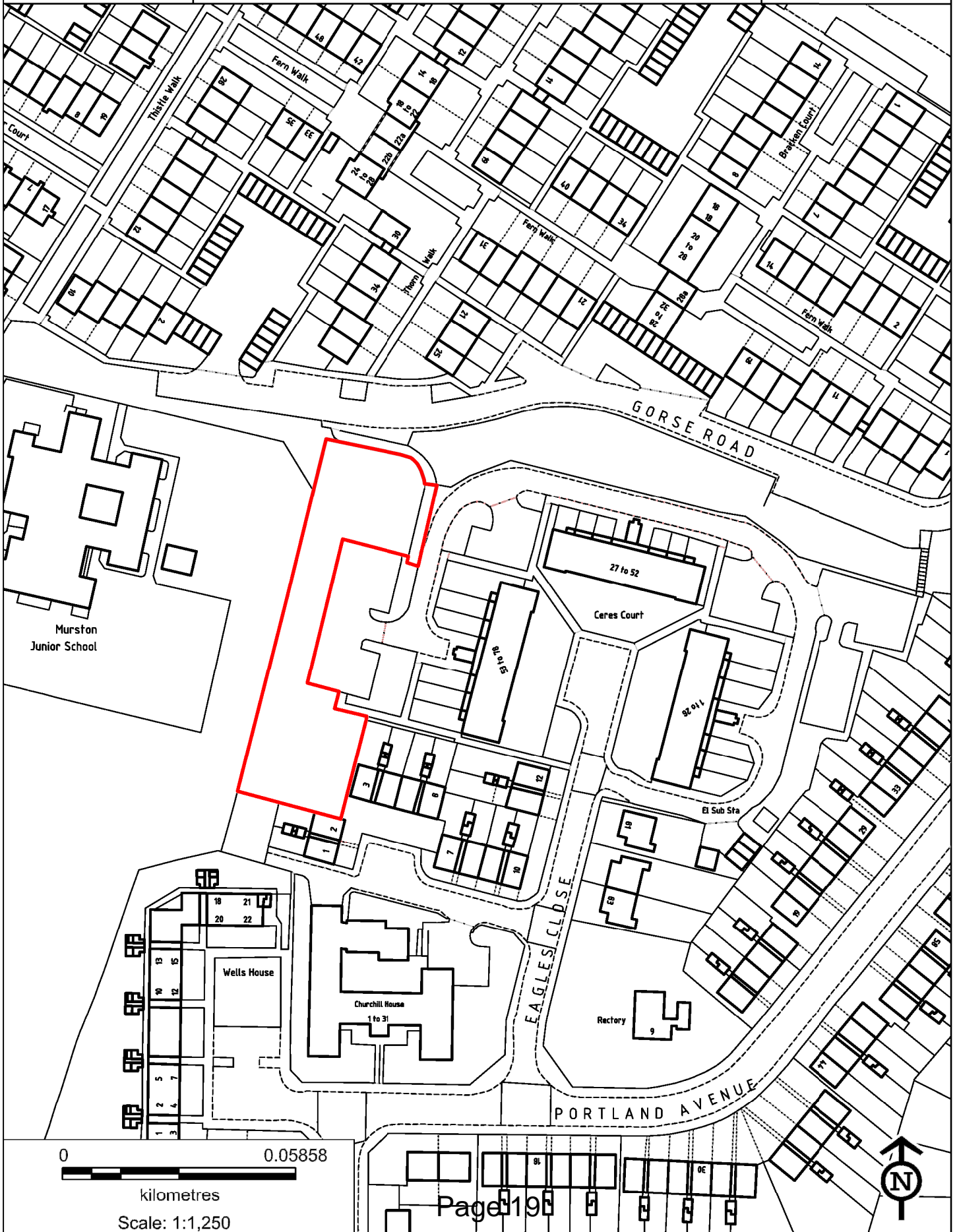
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Address:

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KEY:

-  Feature rumble strip
-  Vehicle way
-  Paving
-  Contrasting paving
-  Patio paving
-  Lawn
-  Planting



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REV	DESCRIPTION	DATE	DRAWN	AUTH	REV	DESCRIPTION	DATE	DRAWN	AUTH
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ARCHITECTURE
MASTER PLANNING
INTERIOR DESIGN
CONSERVATION
LANDSCAPE

Client: Amicus Horizon			
Project: Ceres Court			
Title: Proposed Site Plan			
Project No: 2005	Date: 17/09/15	Scale (A1): 1 : 250	Rev: P1
Drawing No: (PA) 010		Series: (PA) PLANNING	
Drawn: GM	Auth: IF	Status: PLANNING	

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By virtue of paragraph(s) 3 of Part 1 of Schedule 12A
of the Local Government Act 1972.

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