



Cabinet

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,
Ashford, Kent TN23 1PL on Thursday, 10th March 2016 at 7.00 pm.

The Members of the Cabinet are:-

- Cllr Clarkson – Leader of the Council
- Cllr N Bell – Deputy Leader and Portfolio Responsibility for Government Policy Interface & Democracy
- Cllr Mrs Bell – Portfolio Responsibility for Public Interaction and Borough Presentation
- Cllr Bennett – Portfolio Responsibility for Planning, Development and Enforcement
- Cllr Mrs Blanford – Portfolio Responsibility for Culture, Leisure and Environment
- Cllr Clokie – Portfolio Responsibility for Housing and Home Ownership
- Cllr Galpin – Portfolio Responsibility for Town Centres Focus and Business Dynamics
- Cllr Heyes – Portfolio Responsibility for Highways, Wellbeing and Safety
- Cllr Miss Martin – Portfolio Responsibility for Information and Communications
- Cllr Shorter – Portfolio Responsibility for Finance, Budget and Resource Management

NB: Under the Council's Public Participation Scheme, members of the public can submit a petition to the Cabinet if the issue is within its terms of reference or ask a question or speak concerning any item contained on this Agenda (Procedure Rule 9 refers)

Agenda

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| 1. Apologies | |
| 2. Declarations of Interest:- To declare any interests which fall under the following categories, as explained on the attached document: | 1 |
| a) Disclosable Pecuniary Interests (DPI) | |
| b) Other Significant Interests (OSI) | |
| c) Voluntary Announcements of Other Interests | |
| See Agenda Item 2 for further details | |
| 3. Minutes – To approve the Minutes of the Meeting of the Cabinet held on the 11 th February 2016 subject to the inclusion of the Principal Solicitor (Strategic Development) in the list of Officers present at the meeting | |
| 4. To receive any Petitions | |
| 5. Leader's Announcements | |

Part I – Matters Referred to the Cabinet

None for this Meeting

Part II – Consideration of Reports from the Overview and Scrutiny Committee

None for this Meeting

Part III – Ordinary Decision Items - Key Decisions Annotated*

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| 6. | *Memorial Safety in Burial Grounds | 2-16 |
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| 8. | *Victoria Park & Watercress Fields Masterplan and Heritage Lottery Bid (HLF) | 25-38 |
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Part IV – Information/Monitoring Items

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| 13. | Schedule of Key Decisions | 83-92 |
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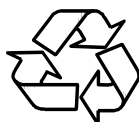
Part V – Cabinet Member Reports

None for this Meeting

Part VI – Ordinary Decision Items

- | | | |
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| 15. | That pursuant to Section 100A(4) of the Local Government Act 1972, as amended, the public be excluded from the meeting during consideration of this item as it is likely that in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to the appropriate paragraphs of Schedule 12A of the Act, where in the circumstances the public interest in maintaining the exemption outweighs the public interest in disclosing the information | |
| E1 | Proposed Funding Arrangement with the Homes and Communities Agency to enable delivery of M20 Junction 10A (Paragraph 3) (to follow) | |

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Declarations of Interest (see also “Advice to Members” below)

- (a) **Disclosable Pecuniary Interests (DPI)** under the Localism Act 2011, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares a DPI in relation to any item will need to leave the meeting for that item (unless a relevant Dispensation has been granted).

- (b) **Other Significant Interests (OSI)** under the Kent Code of Conduct as adopted by the Council on 19 July 2012, relating to items on this agenda. The nature as well as the existence of any such interest must be declared, and the agenda item(s) to which it relates must be stated.

A Member who declares an OSI in relation to any item will need to leave the meeting before the debate and vote on that item (unless a relevant Dispensation has been granted). However, prior to leaving, the Member may address the Committee in the same way that a member of the public may do so.

- (c) **Voluntary Announcements of Other Interests** not required to be disclosed under (a) and (b), i.e. announcements made for transparency reasons alone, such as:

- Membership of outside bodies that have made representations on agenda items, or
- Where a Member knows a person involved, but does not have a close association with that person, or
- Where an item would affect the well-being of a Member, relative, close associate, employer, etc. but not his/her financial position.

[Note: an effect on the financial position of a Member, relative, close associate, employer, etc; OR an application made by a Member, relative, close associate, employer, etc, would both probably constitute either an OSI or in some cases a DPI].

Advice to Members on Declarations of Interest:

- (a) Government Guidance on DPI is available in DCLG’s Guide for Councillors, at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/240134/Openness_and_transparency_on_personal_interests.pdf
- (b) The Kent Code of Conduct was adopted by the Full Council on 19 July 2012, with revisions adopted on 17.10.13, and a copy can be found in the Constitution at <http://www.ashford.gov.uk/part-5---codes-and-protocols>
- (c) If any Councillor has any doubt about the existence or nature of any DPI or OSI which he/she may have in any item on this agenda, he/she should seek advice from the Head of Legal and Democratic Services and Monitoring Officer or from other Solicitors in Legal and Democratic Services as early as possible, and in advance of the Meeting.

Cabinet

Minutes of a Meeting of the Cabinet held in the Council Chamber, Civic Centre, Tannery Lane, Ashford on the **11th February 2016**

Present:

Cllr. Clarkson (Chairman);

Cllr. Bell (Vice-Chairman);

Cllrs. Mrs Bell, Bennett, Mrs Blanford, Clokie, Galpin, Heyes, Miss Martin, Shorter.

Apology:

Cllr. Krause

Also Present:

Cllrs. Bradford, Britcher, Burgess, Hicks, A Howard, Koowaree, Link, Michael, Mrs Martin, Ovenden, Smith, Wedgbury.

Corporate Director – Operations, Deputy Chief Executive, Head of Finance, Principal Accountant, Head of Environmental and Customer Services, Head of Cultural and Project Services, Policy and Performance Officer, Health, Parking and Community Safety Manager, Head of Personnel and Development, Human Resources Manager, Housing Operations Manager, Head of Corporate Property and Projects, Domestic Abuse Co-ordinator, Environmental Contracts and Operations Manager, Communications Officer, Member Services and Scrutiny Manager.

300 Minutes

Resolved:

That the Minutes of the meeting of the Cabinet held on the 14th January 2016 be approved and confirmed as a correct record.

301 Leader's Announcements

The Leader explained that later in the meeting the Cabinet would consider the Budget recommendations which would be passed to the Council on the 18th February 2016 for full debate and approval. He further advised that a recorded vote would be taken on the recommendations at the Council meeting regarding the Budget and the Council Tax setting. He further explained that on Monday of this week, the Local Government Minister had approved a late change to the council tax referendum principles to help the most economical authorities (districts) by allowing them to charge up to de minimis £5 more a year in Council Tax without triggering a referendum (Ashford has one of the lowest Council Tax levels) instead of 1.99%. In view of this he had consulted all Members seeking their views on whether the

Council should consider increasing the Council Tax by 1.99% as originally planned or take advantage of the announcement made by the Minister that the Council Tax rise could be up to £5.

302 Overview and Scrutiny Committee – Report of the Budget Scrutiny Task Group on the 2016/17 Budget Scrutiny

The report presented the findings of the Budget Scrutiny Task Group following scrutiny of the Council's draft Budget for 2016/17. The Overview and Scrutiny Committee had recently debated the report and was satisfied that the Budget was legal and achievable. The Committee had brought forward four recommendations for the Cabinet to consider.

The Portfolio Holder advised that the Overview and Scrutiny Committee Budget Scrutiny Task Group had been chaired by Councillor Krause and he said it had been well supported by Officers and Members of the Task Group. He advised that the revised recommendations to be considered on the following item on the Agenda proposed to raise Council Tax by £4.55 rather than 1.99%. In view of concern expressed by the Overview and Scrutiny Committee he emphasised that this was not changing the overall Budget. The Portfolio Holder also acknowledged the comments set out in the Overview and Scrutiny Committee's report in that the Committee had acknowledged that the financial position in subsequent years was going to be increasingly challenging.

The Chairman advised that he had consulted with the Chairman of the Overview and Scrutiny Committee who indicated that both he and his Group would be supportive of the proposed change to the level of increase in Council Tax.

Resolved:

- That**
- (i) it be noted that the Overview and Scrutiny Committee regards the Council's draft 2016/17 Budget as legal and achievable.**
 - (ii) the Risk Matrix and the risks identified within, especially those that fell within the shaded part of the matrix be endorsed.**
 - (iii) it be noted that the Overview and Scrutiny Committee would consider it inappropriate for any amendments to be made to the Budget following scrutiny as it would potentially make the Budget insecure (subject to any unexpected announcements on Central Government funding).**
 - (iv) it be noted that the Overview and Scrutiny Committee intend to scrutinise the MTFP document at its April meeting and test the assumptions made as a starting point for scrutiny of the following year's Budget.**

303 Budget 2016/17

The report presented the final recommended draft Budget which would be considered by Full Council on 18th February 2016. The Budget supported the first year of the Council's updated Corporate Plan and reflected the changes to services that were agreed in October 2015 following public consultation.

The Portfolio Holder referred to the tabled paper which gave an update on the Local Government settlement and rent setting guidance. He also advised that the Update Report set out revised recommendations (vii) and (xiv). The Portfolio Holder further explained that the Joint Consultative Committee had considered the Budget to be appropriate as had the Overview and Scrutiny Committee. The public consultation exercise had closed and no comments had been received. He indicated that for the next year's Budget he would look to take steps to further engage the public on the emerging Budget proposals. He drew attention to the pressures which were anticipated in years 3 and 4 of the Medium Term Financial Plan and advised that the Council's proposals to become grant free by using revenue from investments would hopefully address the shortfall. In conclusion he believed that the Budget would deliver the Council's Corporate Plan and provide the residents of the Borough with a good level of service.

The Chairman explained that proposed £4.55 increase would still leave the Council having the lowest Council Tax in Kent and indeed one of the lowest in the whole Country. He further clarified that the proposal related to the following financial year only and thereafter increases would be considered on their merits and in accordance with the relevant circumstances at that particular time.

A Member considered that the Group Leaders from across the County and the Leader of Kent County Council should make representations to Government regarding the limited notice given to the changes outlined by the Minister.

In terms of the proposed increase of £4.55, the Chairman advised that he had heard from the vast majority of Members who were supportive of the revised proposal. The increase would equate to a level of £150 per year for a Band D property and he considered that in the literature produced explaining the Council Tax level, it should be clearly set out that the £150 was the Borough Council's element of the overall charge.

Resolved:

- That**
- (i) the Budget context and MTFP position and the Provisional Settlement Consultation Response be noted.**
 - (ii) the final Business Rate yield forecast (NNDR1) be noted.**
 - (iii) the proposed New Homes Bonus Consultation Response as set out in Appendix C be noted and authority be delegated to Councillors Shorter and Bennett to approve the final New Homes Bonus Consultation Response.**

- (iv) it be noted that the Council Tax Support Scheme adopted is as reported to the Cabinet in December 2015.
- (v) the Chief Finance Officer be delegated the powers to establish local discounts in Business Rates in accordance with those announced by the Chancellor in the Autumn statement.
- (vi) the reserves summary as set out in Paragraph 68 – Table 7 (Appendix F refers) be noted.
- (vii) the Community Impacts Assessment be noted.
- (viii) the Housing Revenue Account 2016/17 be approved.
- (ix) the estimated average rent decrease of 1%, in accordance with Government guidelines, be approved unless additional information on rent setting is released and authority be delegated to the Portfolio Holder for Housing & Home Ownership and the Portfolio Holder for Finance, Budget & Resource Management, in conjunction with the Head of Housing and the Head of Finance to approve amendments to the 2016/17 rent setting, and to also approve that rent setting for the future continues to follow movements in the 'limit rent' set by Government.
- (x) the new tendering/quotation procedure Cashflow be noted and the financial limits be approved.
- (xi) the advice from the Chief Financial Officer concerning the robustness of the estimates and the adequacy of reserves be noted.

Recommended:

- That
- (i) the Revenue Budget 2016/17 including the net Budget requirement of £14,205,480 (excluding Parish Precepts) be approved.
 - (ii) the level of Discretionary Fees to be levied from 1st April 2016 (as set out in Appendix G to the report) be approved.
 - (iii) no change be made to allocations of discretionary rate relief until the end of the 2019/20 financial year.
 - (iv) the changing of retained reserves from a minimum of 7.5% of the net Budget requirement to a minimum of 15% be approved.
 - (v) Band D Council Tax be set at £150.00.
 - (vi) the Capital Budget for 2016/17 (as set out in Appendix J to the report) be approved.

- (vii) **the Prudential Indicators Treasury Management Strategy, MRP Policy and Annual Strategy as set out in Appendices K and L to the report be approved.**
- (viii) **the updated Financial Procedure Rules be approved.**
- (ix) **the Risk Based Verification Policy as outlined in Appendix N to the report be approved.**

304 Budget Monitoring – Third Quarter 2015/16

The report presented the Third Quarter Budget Monitoring report for the current year for the General Fund, the Housing Revenue Account and the Collection Fund. The report indicated that this quarter the General Fund was projected to be £52,000 under the original budget which was a movement of £82,000 from the last quarter when a slight overspend of £30,000 had been projected. The Housing Revenue Account was projecting an overall deficit of £192,000 which compared to a budgeted deficit of £370,000.

The Portfolio Holder drew attention to the recommendation which sought an increase in the Budget for the purchase of the Depot from £1 million to £1.5 million which he advised was necessary due to the increase in building costs. Value engineering was taking place so the overall figure required may be less than £1.5 million.

Resolved:

- That
- (i) **the Budget Monitoring position as at 30th December 2015 be noted.**
 - (ii) **the proposed transfer to reserves as set out in paragraphs 9 to 10 of the report be approved.**
 - (iii) **the New Homes Bonus Schedule set out in Appendix A to the report be approved.**

Recommended:

- That
- (i) **an increase in the Grounds Maintenance Capital Budget for the purchase of the Depot from £1 million to £1.5 million be approved.**
 - (ii) **the allocation of £75,000 from General Fund Reserves to fund Arts at St Mary's for a further three years be approved.**

305 Ashford Borough Council's Performance – Quarter 3 2015/16

The report advised Members and the public of the performance of the Council during the third quarter. This included information on what the Council had achieved

through its decision-making, key performance data on front line services and consideration of the wider Borough picture which impacted upon the Council's work.

The Portfolio Holder thanked the Policy and Performance Officer for the report and for the inclusion of a list of trending data which showed improved outcomes. The Portfolio Holder drew particular attention to the fall in unemployment and advised of the work of the Council Tax and Welfare Reform Task Group in terms of initiatives to give the long term unemployed skills to enable them to break the cycle of unemployment.

A Member considered that the level of disabled adaptations undertaken by the Council should be publicised and another Member commented that an increase in footfall within the Town Centre had taken place following the introduction of the free car parking initiative.

In response to a question, the Head of Finance advised that in the region of 1,000 residents received their Council Tax bills electronically and he said that this was an initiative that Officers were intending to promote.

In response to a comment from a Member about the recent power outage, the Chairman explained that steps were in hand to replace the emergency generator which had failed following the recent power outage the Council and other areas of Ashford had experienced.

The Portfolio Holder for Information and Communications said that the Council had very robust payment systems in place which enabled the public to undertake electronic transactions with the Council even whilst the Council building itself was without power.

A further Member requested that the Cabinet consider examining the issue of disaster recovery. The Chairman said that there was a team within the Council who dealt with business continuity.

Resolved:

That the performance for Quarter 3, 2015/16 be noted.

306 Climate Change and Sustainable Environment – Annual Progress Review

The report was the third Annual Review which summarised actions and initiatives undertaken throughout the Authority during the last year in the complementary areas of sustainable environment, carbon and energy reduction and responding to the threat of climate change.

The Portfolio Holder referred to the highlights within the report and in particular to the steps taken by the Council to reduce energy consumption. She also advised that a Flood Mitigation Task Group had been established.

A Member said that he believed that the report made very little comment about producing energy and suggested that consideration should be given to the establishment of an anaerobic digester plant which could create power from waste.

The Portfolio Holder said that processing of food waste in such a way was a very complex process and would require planning permission and the identification of a suitable site. She reminded colleagues that in terms of energy production, the Council had initiated a solar panel installation programme.

In response to a comment from a Member about recycling, the Head of Environmental and Customer Services explained that the Council was the second most improved recycler in the Country and most improved in the previous year and she confirmed that Kent had achieved its 2020 target and less than 5% of overall waste went to landfill. Furthermore, those elements of refuse classed as contaminated were still recycled and used for energy.

Resolved:

That the progress over the last year across the Authority in achieving the aims and objectives of the *Position Statement on Climate Change and a Sustainable Environment* be noted.

307 Domestic Abuse Annual Report

The report set out the progress the Council and its partners had made on projects relating to domestic abuse over the past twelve months since the agreement by the Council to allocate up to £50,000 per year for three years to support the work on tackling domestic abuse.

The Portfolio Holder said that the report presented a detailed picture of the initiatives undertaken by the Borough Council with Partners, and he drew particular attention to paragraphs 54 to 56 of the report.

Resolved:

- That**
- (i) the work of partners in tackling domestic abuse be endorsed.**
 - (ii) the work of the Independent Domestic Violence Advisers and the Council's Domestic Abuse Co-ordinator be noted.**
 - (iii) the achievement of the Ashford Domestic Abuse Forum on obtaining charitable status be noted.**

308 Gambling Act 2005 – Policy Statement Revision

The report presented the Gambling Policy Statement prepared in accordance with the Gambling Act 2005 for approval by Full Council. The report also provided a summary of the Policy consultation results and indicated how this consultation had been taken into account when preparing the final version of the Policy.

The Portfolio Holder advised that following the consultation exercise, two responses had been received from representatives of the gambling industry which were generally supportive of the Borough Council's approach but also suggested minor changes. He advised that the detailed response to the representations received were set out in Appendix D to the report.

Recommended:

That the revised Gambling Policy Statement 2016-2019 be approved.

309 Recycling Performance 2015/16 Update and 2015 Waste Composition Analysis

The report provided an update on Ashford's recycling performance for 2015/16 and the findings from a residual and recyclable waste composition analysis undertaken during November 2015. The challenges arising for Ashford were explored with a proposal to develop a forward strategy for Ashford to maintain recycling performance above 50%.

The Portfolio Holder said that the report demonstrated good progress made by the Authority but also set out the challenges faced by contamination of refuse which was particularly prevalent in flats. She advised that a further communication programme would aim to improve this situation and advised that further analysis would take place.

A Member referred to instances whereby waste from households contained within black bags was mixed and therefore could not be taken as part of the normal waste collection round and he said that these were often left in unsightly piles near properties and considered that when they related to Council properties the residents should be reminded of their conditions of tenancy.

The Portfolio Holder said that she greatly believed that the issue of contamination could be resolved by an education programme and explained that Ashford had benefited from being part of the Kent Resource Partnership and participated in a campaign in January when all Kent residents received information about recycling of plastics. They would also receive similar information in March for metals. The Council Tax mailout would also include a further leaflet, currently being produced explaining aspects of the recycling collection service focussing on addressing contamination and food/garden waste.

Resolved:

- That (i) the findings of the report be noted.**
- (ii) the development of a costed forward education and promotion strategy, including forward recycling options and targets be approved and brought back to the Cabinet at its meeting in June 2016.**

310 Appointment of the Interim Chief Executive/Head of Paid Service, Returning Officer and Electoral Registration Officer

The Corporate Director – Operations and the Head of Finance left the meeting during consideration of this item.

The report advised that further to the resignation of the Chief Executive, recommendations were proposed on the appointment of key senior posts in light of the recent Senior Management structure approval, the recently adopted Corporate Plan and uncertainties around devolution. It recommended that the Council made an internal appointment to the post of Interim Chief Executive/Head of Paid Service and also make recommendations on the appointments to the Electoral Registration Officer and Returning Officer roles which were currently undertaken by the current Chief Executive. The report also sought approval of the Job Description and remuneration package for the Interim Chief Executive role.

Recommended:

- That**
- (i) the Council do not appoint a permanent Chief Executive/Head of Paid Service at this stage.**
 - (ii) the Council appoint an Interim Chief Executive/Head of Paid Service for a period of up to two years from within its existing Officers commencing immediately and subject to existing notice provisions.**
 - (iii) the current post holder of Corporate Director (Operations) (post number 7001) be seconded into this role.**
 - (iv) the remuneration package and reviewed Job Description for the post of Interim Chief Executive be approved.**
 - (v) the current post holder of the post of Head of Legal and Democratic Services and Monitoring Officer (post number 1003) be appointed Returning Officer and Electoral Registration Officer for the Council for a period of up to two years commencing immediately and continues with these responsibilities when he takes up his new Corporate Director (Law and Governance) and Monitoring Officer post in April 2016.**
 - (vi) the Head of Planning and Development be re-designated Corporate Director (Development) from April 2016.**
 - (vii) the minor structural changes as a consequence of these revisions be noted.**
 - (viii) from 1st April 2016 the Head of Finance be appointed s151 Officer and the Deputy Chief Executive be appointed Deputy s151 Officer.**

- (ix) the Head of Legal and Democratic Services and Monitoring Officer amend and update the “Scheme of Delegations to Officers including Proper and Authorised Officers and designated posts” in the Constitution, as appropriate.

311 Local Plan and Planning Policy Task Group – 13th January 2016

Resolved:

That the notes of the meeting of the Local Plan and Planning Policy Task Group held on the 13th January 2016 be approved and adopted.

312 Ashford Strategic Delivery Board – 22nd January 2016

Resolved:

That the notes of the meeting of the Ashford Strategic Delivery Board held on the 22nd January 2016 be received and noted.

313 Schedule of Key Decisions to be taken

Resolved:

That the latest Schedule of Key Decisions as set out in within the report be received and noted.

314 Exclusion of the Public

Resolved:

That pursuant to Section 100A(4) of the Local Government Act 1972 as amended the public be excluded from the meeting during consideration of the following item namely Flexible Retirement – Post Holder 3002 as it is likely in view of the nature of the business to be transacted or the nature of the proceedings that if members of the public were present there would be disclosure of exempt information hereinafter specified by reference to paragraphs 1 and 2 of Schedule 12A of the Act.

315 Flexible Retirement – Post Holder 3002

The report sought approval to the Flexible Retirement of Post Holder 3002 and the early release of the pension and the resulting pension cost.

Recommended:

That (i) the early release of the Post Holder’s Local Government Pension Scheme pension be approved.

- (ii) the £9,900 pension cost resulting from granting this Flexible Retirement request be met from reserves.**
-

(KRF/AEH)

MINS:CAXX1606

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Agenda Item No: 6

Report To: Cabinet

Date: 10/03/2016

Report Title: Memorial Safety in Burial Grounds

Report Author: Julie Rogers: Head of Environmental and Customer Services

Portfolio Holder: Councillor Clair Bell



Summary:

The Council undertook a limited cemeteries memorial testing programme in 2003 for the operating of open cemeteries and closed churchyards for which it is responsible. Following a review shortly afterwards, a revised approach and procedures were adopted for any future inspection programme. The report provides Members with an update on the present position and recommends an updated policy and procedures for the safe management of memorials in the Borough.

Key Decision: YES

Affected Wards: All wards in Ashford

Recommendations: **The Cabinet is recommended to:-**

- (i) Note the current position with regard to memorial testing and inspection; and**
- (ii) Adopt the updated policy and operational procedures as set out in Appendix 1 of the report for the inspection and safe management of memorials; and**
- (iii) Add to delegation 17.1(f) the words "...and such closed burial grounds that are now, or subsequently become, the responsibility of the Council."**
- (iv) Agree a further report to Cabinet in the autumn, following the initial survey, with findings, initial costs and proposed changes to the Cemetery Rules and Regulations and Memorial Headstone documentation.**

Policy Overview:

As a burial authority the Council, has the enduring responsibility for safety in the cemeteries and closed churchyards under its management. This responsibility encompasses an overriding duty to take, as far as reasonably practicable, measures to prevent injury or death from unstable memorials. In order to fulfil this duty Councils are recommended to have a testing policy and inspection programme with a maximum interval of five years.

Financial Implications:	Unknown at this stage, provision to be made from repairs and renewals. Please refer to February 2016 Cabinet 16/17 Budget Report that takes steps to increase the level of this reserve to address this and other needs.
Risk Assessment	The risk of injury from unstable memorials is recognised by the Health and Safety Executive as being low. However, Councils that have no proper testing and inspection programme may significantly raise their liability and risk of claim should any incident occur. In addition, Councils who have undertaken inspections and testing that is not in accordance with the Local Authorities' Cemeteries Order 1977 have been found guilty of maladministration by the Local Government Ombudsman.
Equalities Impact Assessment	N/A
Background Papers	None
Portfolio Holders Comments	<p>The cemetery work outlined in this report is essential but it is crucial that a balance is achieved between the interested of grave and memorial owners, legitimate safety concerns and amenity or aesthetic considerations.</p> <p>I endorse the work outlined but don't underestimate the pressure on resources this review will bring about. This may become emotive for family and loved ones and our communication strategy and sensitive handling of situations is going to be critical to the success of this review work.</p>
Contacts:	julie.rogers@ashford.gov.uk – Tel: (01233 330 856)

Agenda Item No. 6

Report Title: Memorial Safety in Burial Grounds

Purpose of the Report

1. This report outlines the duties and responsibilities with regard to the safety of memorials in burial grounds. Burial grounds are cemeteries and closed burial grounds (also known as closed churchyards) under the direct control or

management of the Council.

2. The report reviews the current position with regard to memorial safety in burial grounds.
3. The report recommends that the Council updates its approach to the testing and inspection of memorials and develops a forward plan.

Summary

4. Burial Grounds in the Borough are comprised of cemeteries which are owned and managed by the Council. They are also comprised of closed burial grounds, which are usually closed churchyards. If an Order is made in Privy Council closing a churchyard, and the Parochial Church Council serves notice on the Council, under section 215 of the Local Government Act 1972 the Council becomes responsible for the maintenance of the closed churchyard three months later. The Council will not own the close churchyard and, as it is consecrated ground will, if it has to carry out any works, have to apply to the Diocese for permission (a faculty) to do so. A delegated authority to the Head of Environmental and Customer Services to exercise the Council's functions in relation to maintenance of trees, parks, open spaces, gardens, recreation grounds and play areas omitted to include closed burial grounds so the recommendation in this report seek to remedy that position.
5. The Council undertook a limited cemeteries memorial inspection and testing programme in 2003/04 in the burial grounds it was responsible for at that time.
6. Concerns were raised regarding the procedures adopted and in particular to the practice of laying down any memorials considered a higher risk or unsafe. A significant number of complaints were raised, particularly in respect of limited publicity and communication, and in response the Council undertook a range of restorative works.
7. A report to the Executive in November 2003 resolved that revised procedures for the future management of memorials should be adopted.
8. A more recent general review of the cemeteries service, supported by an audit in December 2014, suggests that few further recorded inspections have taken place.
9. The service audit recommended that in order for the Council to meet its responsibilities a full inspection and testing of memorials should take place.
10. This report outlines what the Council needs to do and recommends the adoption of a revised policy and operational procedures to manage any forward inspection and testing programme at Appendix 1.

Background

General Responsibilities and History

11. The responsibility for any memorial lies with its owner or family of the deceased and this includes its safety and any maintenance. Insurance is available, often via stonemasons, to support this responsibility. However, local authorities as owners or managers of burial grounds have responsibilities for general safety and the management of any risks within them which includes any arising from memorials.
12. The likelihood of death or injury associated with memorials is classified as very low. A 2009 review listed 8 deaths over the previous 30 years in the UK.
13. The very low risk of injury from unsafe memorials is recognised by the Health and Safety Executive, as the enforcing authority under the Health and Safety at Work Act 1974 (ASW74), in that they do not consider the risk warrants inclusion in their proactive inspection regimes. However, in the event of any accident, as part of an investigation, assurance would no doubt be sought that any guidance for the safe management of memorials available has been followed and a sensible risk based approach adopted.
14. In recognition of its responsibilities, the Council undertook a limited cemeteries memorial inspection and testing programme in 2003/04 for the burial grounds it was responsible for at that time. However, some significant complaints were received with regard to some of the procedures followed. These centred around lack of adequate pre-publicity, communication to burial and memorial rights holders and a default policy of laying down memorials considered a risk. This generated adverse publicity for the Council and saw it having to undertake a range of restorative actions.
15. The Council's Executive reviewed the approach followed in November 2003 and adopted new guidelines and procedures to manage any future inspection and testing programme. Further consideration of the issues relating to memorials was proposed following an inspection of Bybrook Cemetery. However, recent reviews of the cemeteries service and records suggest that little further work has been undertaken.

Guidance and Recommended Practice

16. A range of guidance to support local authorities in generally managing memorial safety and meeting their duties and responsibilities under the LACO 1977 and HASW74 is available. These include information from the Health and Safety Executive, the Ministry of Justice, the Local Government Ombudsman and Institute of Cemetery and Crematorium Management.
17. Features of the guidance cover things such as risk assessment, inspection procedures, inspection programmes and how to manage any findings, publicity protocols and wider communication strategies.
18. The consequences of not following the guidance or recorded best practice can include:
 - a. increased general risk;
 - b. direct liability in the event of an accident or injury;

- c. findings of maladministration and award of compensation arising from insufficient general publicity or direct communication with owners of memorials; and
- d. directed complaints with more associated and general adverse publicity as illustrated in Paragraph 154.

19. The potential for much distress where there is poor communication with the bereaved and the wider community as part of the management of memorials should not be underestimated.

Burial Grounds in the Borough

20. The Council owns and manages 4 open cemeteries (burial grounds still accepting new or re-open interments) and, it is suggested from grounds maintenance contract activities, maintenance of 13 closed churchyards. The 2003 report to the Councils Executive recognised maintenance responsibility, including memorial inspection, for 11 closed churchyards. Therefore, Ashford's responsibility and liability for closed churchyards is the subject of an ongoing investigation and records check.

21. The base data available for the 4 open Council cemeteries is included in the table below:

Site	Earliest Burial Record	Number of Plots	Number of Memorial Plots
Canterbury Road	1859	8753	1013
Willesborough	1882	4191	1072
Tenterden	1887	2489	538
Bybrook	1928	5277	2306
TOTALS		20710	4929

22. The number of plots and memorials in closed churchyards for which the Council may be determined as responsible for and for assessing their safety is not known at the current time.

23. It may be appreciated that the current position represents a significant challenge to the Council with a minimum of around 5000 plots for which the Council has a record, there could be a number not yet recorded on the Council's own land that need inspecting and recording with a potential for further action required (see '*A Structured Inspection Programme*')

The Way Forward

Understanding the Risk

24. It is accepted that any approach to managing memorials should be risk-based and proportionate. An effective risk-based approach should include:
 - a. Knowledge of the different types and ages of memorial installed, including any that are listed or noted as of other historical or social importance
 - b. Knowledge of sites to include such as number of potential visitors, vicinity of memorials to footways and roads and ground conditions or topography that may affect the stability of memorials
 - c. A method for assessing and classifying general risks to inform any inspection programme
 - d. A clear inspection procedure and methodology for classifying and recording risks associated with individual memorials.
25. Local Authority Circular 23/18 Health and Safety Executive (Revised August 2001) stated that where an authority is a burial authority "...burial authorities are under a legal duty to assess the risk from all cemetery structures (including memorials) and work activities in their cemeteries, and ensure that risk is controlled". Whilst this was later withdrawn, as it was not intended as guidance, local authorities were urged to draw up proper procedures.
26. New guidance developed in partnership by the Health and Safety Executive, Ministry of Justice and Burial Authorities was published in 2009 building upon the key principles about sensible risk management previously referred to in a letter to local government burial authorities in 2007.
27. Assessing the general risks ahead of any structured inspection programme is recommended to adopt the Five Step approach suggested by the Health and Safety Executive:
 - a. Identify the hazard – for example, an unstable memorial
 - b. Identify who may be harmed and how – may be employees, members of the public, contractors, volunteers
 - c. Evaluate the risk – of a memorial falling or with the potential to fall accounting for known site or other factors
 - d. Record findings – pay attention to any classified as significant to inform any immediate or follow up action(s)
 - e. Review – the risk assessment, its findings and any material changes that may affect it at a review date consistent with these
28. Whilst the timescale for assessing risks and undertaking any inspection programme remains for individual authorities, a timescale of five years since that 2009 date appears to be widely adopted in practice. Where authorities have yet to commence or have made only limited progress some guidance suggests a time period of 12-18 months.

A Structured Inspection Programme

29. Having undertaken a general risk assessment as summarised in Para 287, to determine which areas should be prioritised, a structured inspection programme

needs to be developed. An overall procedure is included and recommended for adoption by the Council at Appendix 1 to this report. The key features of any programme and issues to be decided upon are set out in the following paragraphs.

30. Trained personnel will be needed to undertake inspections with authorities deploying their own staff, specialist contractors or a combination of both.
31. It should be recognised that where contractors are used then there is still a very significant administrative demand on Council staff.
32. The responsibility for ensuring inspections are carried out properly, information is captured and recorded correctly, any corrective actions are organised according to risks identified, publicity and communication ultimately lies with the Council.
33. The inspection and testing procedure will need to cover different types, design and sizes of memorials. These will require different levels of training and, where a memorial exceeds 1.5m in height, the expertise of a qualified structural engineer and/or stonemason.
34. The inspection programme should include for classifying each memorial according to a '*Priority For Action*'. It is recommended that there be three simple classifications of the priority of action which ensures records are easily maintained and will, therefore, be properly utilised. The priorities suggested are :
 - a. Category 1 - Immediate action is required to make the memorial safe or to stop the public accessing the memorial;
 - b. Category 2 – The memorial is not an immediate danger but is not fully stable and will, therefore, need to be monitored every 12 months to assess any further deterioration of the memorial; and
 - c. Category 3 – The memorial is perfectly stable and will only need to be inspected in 5 years time.
35. Memorials assessed as Category 1 need a clear policy in place to respond. In the past a default approach has been to dismantle or lay flat any such memorials. However, whilst not precluded in clearly defined circumstances, this is now recommended to be an absolute last resort policy based upon:
 - a. the significant distress that this approach where used has caused to bereaved families over the years. This was experienced some by the Council in 2003;
 - b. the impact on the appearance of the cemetery or closed churchyard;
 - c. findings of maladministration for not consulting or clearly communicating such a policy; and
 - d. general reputational impact.
36. An approach generally adopted and recommended for the Council is either:
 - a. Installation of a temporary support using a staking and protective banding system where the size and location of the memorial allows; or

- b. Installation of a temporary barrier to the perimeter of the memorial or sections of a cemetery where there is more than one Category 1 assessed memorial.
37. The policy needs to consider how long any temporary arrangements will be in place. This should not be indefinite but needs to allow sufficient time for any follow up communication and/or notices of intent to be completed. A minimum period of 3 months is recommended and is included in the policy and procedures for adoption at Appendix 1.
38. Whatever temporary support or barrier is adopted needs to be accompanied by appropriate and clear warning signs, Council contact information and a brief explanation of the policy (*see Publicity and Communication*).
39. Any form of warning sign attached to or relating to a memorial must be seen to be actively managed and maintained. A sign in itself will not be sufficient to protect the Council's interests as, by its very presence, it acknowledges a risk or hazard.
40. The majority of burial authorities who undertake memorial inspections have encompassed the guidance published in 2012 by the Institute of Cemetery and Crematorium Management, (of which the Council is a member). An illustration of the inspection process is included with the recommended procedures and policy for adoption by the Council at Appendix 1 to this report.

Publicity and Communication

41. Where Councils have had significant problems and criticism to date they have most often been associated with poor or insufficient communication relating to:
 - a. Not publicising planned memorial inspection programmes;
 - b. Not making clear the approach they will take in response to the findings of an inspection;
 - c. Not seeking to contact the owners of memorials or families of the bereaved in line with the requirements of the LACO 1977;
 - d. Not consulting with or notifying the relevant Diocese and acting in accordance with any responses received and requiring agreement via a Faculty; and
 - e. Not having sufficient general guidance and information available or incorporation into agreements for burial rights and rights to erect a memorial.
42. The recommended policy and procedures for adoption at Appendix 1 include communication and publicity with the key features being:

Advance public notices in prominent places, on sites to be inspected, for up to 6 weeks prior to commencement:-

- a. Comprising sections and plot numbers covered by the inspection
- b. Advertisement in local newspapers accompanied by press releases;
- c. Detailed information on the Councils website to include an explanation of any policies and procedures to be operated;
- d. Writing to the last known address for owners of graves / memorials especially where it is considered that removal, re-positioning or other disturbance of memorials may occur:

- i. For a period going back 30 years (LACO 1977);
 - ii. To advise or remind of responsibilities and invite direct discussion of any concerns; and
 - iii. To advise that the Council will write again following the inspection of the memorial;
 - e. Secondary communication to grave / memorial owners advising of any required action arising from the inspection, a period of time for the owner to undertake it to the required standards with evidence to the Council and what the Council will do should it not be completed.
 - f. Drawing attention to the responsibilities of owners of memorials and the terms and conditions in the agreement the Council requires when granting a right to erect a memorial.
43. Should there be no response to initial communications, including letters returned, then a follow up can be considered. Ultimately, if no contact with owners can be established after reasonable means have been exhausted, they refuse or are unable to meet their obligations then a policy on what the Council will do needs to be established.
44. Options for the Council to consider include:
- a. Undertaking work in default to repair the memorial and place a charge on the grave plot;
 - b. Repair the memorial from public funds to preserve the aesthetic, historic or general integrity of the burial ground;
 - c. Removing the memorial to storage for a period to be determined;
 - d. Removing the memorial to a communal place elsewhere within the burial ground and displaying;
 - e. Burying the memorial to at least half its height, where suitable, to create a “monolith”; and
 - f. Laying the memorial down
45. There is no one answer that will cover all memorials. It is recommended that this matter is re-visited and a policy amendment determined and agreed once any initial risk assessment has been undertaken and a better understanding of the scale of the inspection programme has been gained.

Conclusions

46. The Council faces a significant challenge in developing and undertaking an inspection and forward management programme to satisfactorily manage the risk associated with memorials in burial grounds where it has a duty or responsibility.
47. It is crucial that a balance is achieved between the interests of grave and memorial owners, legitimate safety concerns and amenity or aesthetic considerations.
48. The Council needs to agree a revised policy and operational procedures to properly manage memorial safety.
49. Given the current position, significant further work will need to be undertaken and policy actions agreed to determine the potential cost of any inspection and forward management programme.

Next Steps

50. Following adoption of the necessary supporting policy and procedures an initial high level risk assessment of the burial grounds needs to be undertaken to inform where the first round of individual memorial inspections need to take place.
51. The initial survey and plan for the first phase inspection programme that follows will enable:
 - a. Indicative numbers of memorials to assess resource needs and most economic means of organising and undertaking inspections;
 - b. Firmer costings for options to supply and install any temporary supports for budget planning; and
 - c. A better feel for the likely administrative and communication demand for budget planning.
 - d. A further report to Cabinet with findings, indicative costs and proposed changes to the Cemetery Rules and Regulations and Memorial Headstone documentation

Contact: Julie Rogers, Head of Environmental and Customer Service on extension 856.

Email: julie.rogers@ashford.gov.uk

Cabinet: 10th March 2016
Memorial Safety in Burial Grounds
APPENDIX 1



Ashford Borough Council

Policy and Procedures for the Management of Memorials

Key Aims

- 1) Ashford Borough Council (The Council) recognises that the management of memorials in burial grounds needs to be undertaken in a sensitive and sympathetic manner. In operating this policy and associated procedures it will seek to achieve the best balance possible between the interests of grave and memorial owners, legitimate safety concerns and amenity or aesthetic considerations.
- 2) The Council will carry out an inspection of all memorials which prioritises those assessed as higher risk over a period not exceeding 5 years.
- 3) The Council will do all that is reasonably practicable to minimise the risks to people associated with memorials in burial grounds (cemeteries and any closed churchyards) where it has a direct or other management responsibility.
- 4) In applying these policies and procedures the Council will draw upon recognised good practice published by the Health and Safety Executive, The Ministry of Justice and the Institute of Cemetery and Crematorium Managers.

Publicity and Communication

- 1) The Council undertakes to keep all interested parties and the general public informed of any inspections or works programmed for memorials in burial grounds (cemeteries and any closed churchyards) where it has a direct or other management responsibility.
- 2) The Council will make clear in its relevant agreements the primary responsibility of owners of memorials and the terms and conditions it requires to be entered into when granting a right to erect a memorial.
- 3) Before undertaking any memorials inspection programme the Council will:
 - a) Place prominent notices on the site to be inspected for up to 6 weeks prior to commencement which will include the sections and plot numbers covered by the inspection
 - b) Place advertisements in local newspapers accompanied by press releases
 - c) Provide detailed information and guidance on the Councils website, signposted as appropriate, to include an explanation of any elements to be operated forming part of this policy and procedure
 - d) Write to the last known address, where held, of owners of graves / memorials especially where it is considered that removal, re-positioning or other disturbance of memorials may occur:

- i) For a period going back 30 years from the date of the planned inspection;
 - ii) To advise or remind owners or families of their responsibilities and invite direct discussion of any concerns; and
 - iii) To advise that the Council will write again following the inspection of the memorial.
- 4) Following the completion of any set of inspections the Council will write again to grave / memorial owners advising:
- a) The assessed condition of the memorial and if satisfactory when it will be scheduled for inspection again;
 - b) What, if any, temporary actions the Council has considered necessary after the inspection of their memorial and in accordance with its published policy and procedures;
 - c) What action, if any, they are required to take to make the memorial safe arising from the inspection and period of time for them to undertake it to the required standards with evidence to be supplied the Council; and
 - d) What the Council may do should works for which the owner is responsible not be completed and in accordance with its published policy and procedures.
- 5) Information relating to the general findings of any inspection undertaken will also be placed in prominent places around the relevant site and on the Councils website.
- 6) General information, to include guidance and frequently asked questions, will be placed on the Council's website along with a copy of the Council's policy and procedures for the management of memorials.

Inspection Process

- 7) The inspection of memorials will be undertaken in line with industry and best practice guidance published by the Institute of Cemetery and Crematorium Management.
- 8) The inspection process will be informed and guided by an initial assessment of relevant sites to determine:
- a) potential hazards- site geology and topography, general age of memorials, site layout (roads, access) and proximity of memorials to them;
 - b) who may be harmed and how – visitors, cemetery workers or other; and
 - c) what the risk might be – of a memorial falling or with the potential to fall or otherwise part collapse accounting for known site or other factors.
- 9) Findings will be recorded and immediate action taken arising from any risks classified as Category 1 (see 13) below.
- 10) The risk assessment and any material changes that may affect it will be reviewed at a date consistent with the findings.
- 11) Inspections will be undertaken by properly trained and certificated personnel.
- 12) Memorials will be inspected in accordance with the following categories:
- a) Memorials up to 500mm: full visual inspection and hand stress test;

- b) Memorials 500mm – 1500mm: full visual inspection, primary hand stress test followed by confirmatory mechanical force device test for those that pass the hand stress test;
- c) Memorials 1500mm – 2500mm: full visual inspection, primary hand stress test (non complex structures), review for more complex structures in line with (d) below; and
- d) Memorials over 2500mm and complex structures: full visual inspection, note potential problems and consider cordon off, follow up full inspection supported by a structural engineer and/or qualified stonemason.

13) Memorials inspected will be classified into one of three categories:

- a) Category 1 - Immediate action is required to make the memorial safe or to stop the public accessing the memorial; or
- b) Category 2 – The memorial is not an immediate danger but is not fully stable and will, therefore, need to be monitored every 12 months to assess any further deterioration of the memorial; or
- c) Category 3 – The memorial is perfectly stable and will only need to be inspected in 5 years time.

14) Memorials that are classified as Category 1 will be made temporarily safe by:

- a) The installation of a temporary support using a staking and protective banding system where the size and location of the memorial allows; or
- b) The installation of a temporary barrier to the perimeter of the memorial or sections of a cemetery where there is more than one Category 1 assessed memorial.

15) Any temporary support or barrier will remain in place for a minimum period of 3 months to enable any communication with grave/memorial owners to take place or further actions to be considered by the Council.

16) Any memorial which is the subject of a temporary support or barrier will have appropriate and clear warning signs, Council contact information and a brief explanation of the Councils policy attached to or around it.

17) An illustration of the inspection process to be followed is appended to this policy and procedures document.

Records and Information

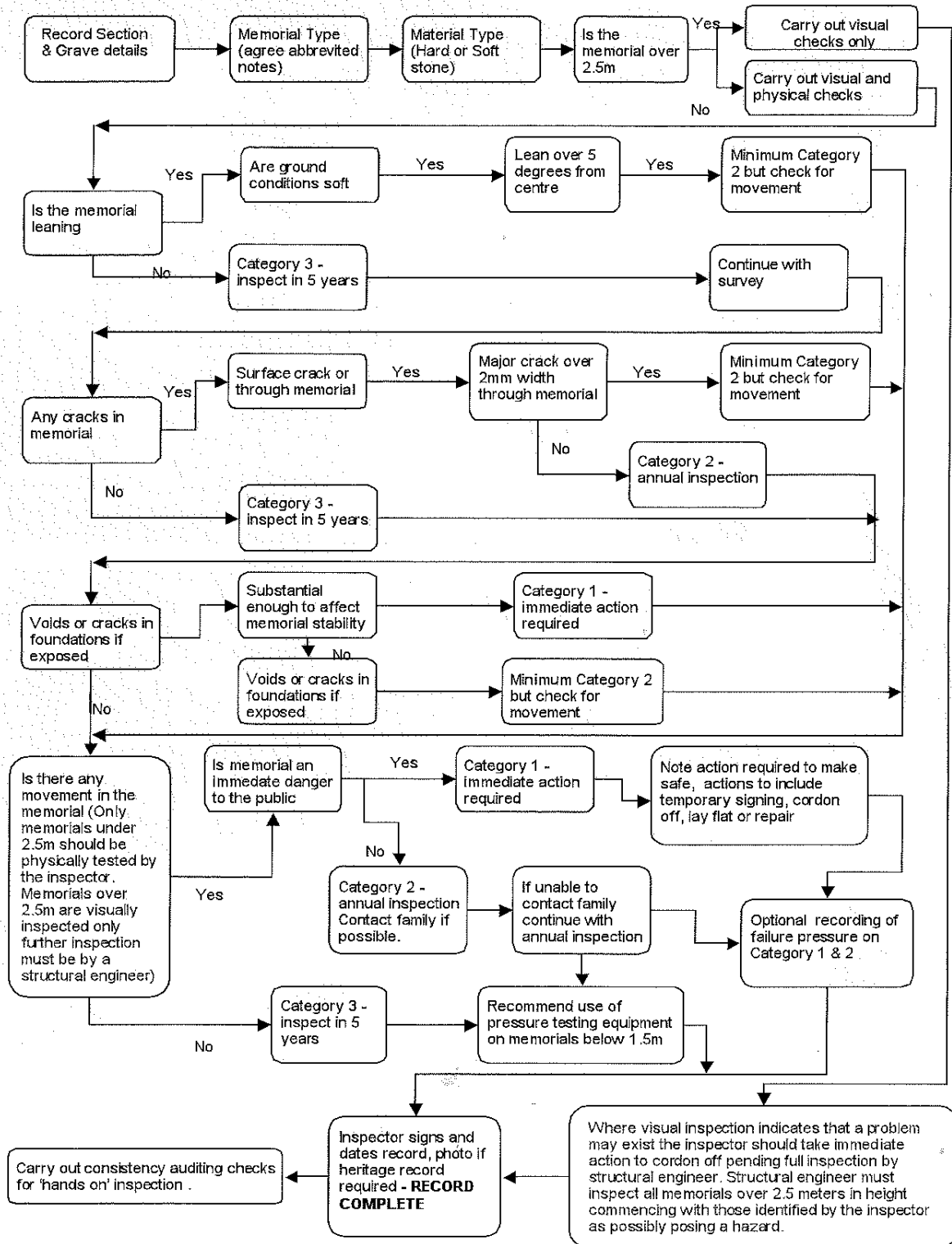
18) Ashford Borough Council will keep and place information relating to the following on it's website and in writing upon request:

- a) Memorial inspection programme(s)
 - i) Current programme details
 - ii) Forward plan (future years and/or re-inspection)
- b) Inspection results: by site: generic information (section and plot numbers)
- c) Information relating to:
 - i) It's general memorial management policy and procedures
 - ii) Guidance on the responsibilities of memorial owners to include the standards required for new memorial installations

- iii) Agreements that the Council requires to be entered into when seeking to erect a memorial in the Council's burial grounds
- iv) Contact information for the Borough (or local Diocese for enquiries relating to closed churchyards).

19) All records will be held and stored in line with the associated regulatory, legislation or the Council's adopted information or financial policies.

Cemeteries Memorial Testing Procedure



Agenda Item No: 7
Report To: Cabinet
Date: 10th March 2016
Report Title: Chilmington Gypsy Site
Report Author: Sharon Williams
Head of Housing
Portfolio Holder: Cllr Clokie, Portfolio Holder for Housing and Home
Ownership



Summary: This report seeks authority to finalise negotiations with Kent County Council (KCC) for the future management and disposal of the freehold of Chilmington Gypsy Site.

The expertise of the specialist Gypsy and Traveller team within KCC would strengthen the management of the site. KCC already own or manage the majority of managed gypsy sites across Kent and have extensive experience and knowledge and are well versed in responding to issues likely to arise on the site.

Key Decision: NO

Affected Wards: Great Chart with Singleton

Recommendations: **The Cabinet be asked to:-**

- (i) Authorise the Head of Housing and the Portfolio Holder for Housing and Home Ownership to negotiate terms for the disposal of Chilmington Gypsy Site for a nominal amount to KCC, such terms to include restrictive covenants, a restriction on title and overage, and that, in the event of future disposal the land will only be used as a gypsy site.**
- (ii) Approve the terms of disposal are to include:**
 - (a) That the site is to be kept as a gypsy site in perpetuity with no less than the same number of pitches currently provided unless agreed otherwise.**
 - (b) That KCC should use its best endeavours to keep the site in a lettable condition and to ensure that all**

plots on the site are let.

(iii) Authorise the Head of Legal and Democratic Services to enter into the necessary documentation to give effect to the decision.

Policy Overview:	The Council as Local Planning Authority is required by planning policies to ensure that there are an appropriate number of pitches available within its Borough for Gypsies and Travellers
Financial Implications:	The Council is required to obtain the best consideration for the transfer of ownership of land, however in this instance it is suggested that the land be transferred at a nominal value of £1 in view of the onerous conditions being placed upon KCC which will effectively restrict use of the site for any other purpose and ultimately would significantly reduce the value of the land.
Risk Assessment	YES – included within the body of the report
Community Impact Assessment	To be undertaken in conjunction with KCC prior to disposal.
Other Material Implications:	
Exemption Clauses:	
Background Papers:	None
Contacts:	Sharon.williams@ashford.gov.uk – Tel: (01233) 330803 Sharon Williams, Head of Housing

Report Title: Chilmington Gypsy Site

Purpose of the Report

1. To seek authority to finalise negotiations with Kent County Council (KCC) for the management and disposal of Chilmington Gypsy Site, shown on the attached plan at Appendix 1, for a nominal sum.

Issue to be Decided

2. Whether to authorise the Head of Housing and the Portfolio Holder for Housing and Home Ownership to negotiate the final arrangements for the future management and disposal of the Chilmington Gypsy Site to KCC for a nominal amount.
3. To agree the terms of disposal to include the following points:
 - i. the site be retained as a gypsy site in perpetuity with no less than the same number of pitches as currently provided unless otherwise agreed with this Authority.
 - ii. KCC be required to use their best endeavours to keep the site in a lettable condition and to ensure that all plots on the site are let.
 - iii. if the land forming the site is sold by KCC for more than they pay for it, the difference between the price they acquire it for and the sale price be paid to the Council
4. If the above is agreed to authorise the Head of Legal and Democratic Services to enter into the necessary documentation.

Background

5. In the past Chilmington Gypsy Site has presented the Council with some significant challenges both operationally and financially. The site comprises 16 plots situated on an old land fill site. It is managed by one part-time officer, who has to call on other colleagues to visit the site with her to ensure her health and safety. This can present difficulties at times with the resilience of the management service that can be provided.
6. The site has had a chequered history of vacant plots, theft of electricity supplies, problems with managing rubbish and fires, etc. A couple of years ago, despite significant capital investment, the site was in a very poor condition with only a few plots let and significant bills in relation to high electricity and water consumption. Officers approached KCC to manage the site on our behalf but this did not proceed at the time due to the high costs on site and the level of investment required to gain control of the site
7. A significant effort has been made to improve the management and financial viability of the site and currently the income levels show that the site can pay for itself. However we have little resilience in terms of management of the site and we do not have the same levels of expertise as KCC who have a specialist Gypsy and Traveller Unit and manage most of the sites across

Kent. There is concern over staff safety with local staff managing this site and being vulnerable to repercussions for actions taken on the site.

The Proposal

8. Following the intensive efforts to make improvements on the site it is essential that the site is closely managed to maintain improved income levels and minimise the potential for anti social behaviour. Whilst this was achieved with an intense effort from officers from the Housing Options Team assisting the part time officer responsible for managing the site, this level of input cannot be sustained in the longer term due to the pressures on the wider team.
9. Since the Council has very little resilience in providing an intensive management of the site with only one part time officer, negotiations were reopened with KCC last year about the potential for them to take the site over. KCC have initially assessed the situation and are impressed at how the site has been turned around and how we have managed to improve income levels.
10. KCC have indicated that they would be interested in taking over ownership of the site and are preparing a business case to obtain approval to proceed. Their motivation for wanting to take over ownership is that they will be able to achieve economies of scale in that the more sites that they have the more robust and resilient their management arrangements become.
11. It is therefore proposed that the Council proceeds with negotiating the disposal of the Gypsy Site to KCC. Disposal is favoured since this will limit the Council's liabilities in the longer term in relation to the site. A management agreement is weaker and this would allow KCC to pull out of management arrangements or to transfer costs onto the Council in the future.
12. It is important to note that this proposal only relates to the Gypsy site in the Council's ownership which is shown on the attached plan at Appendix 1. There is an adjacent privately owned Gypsy site, which is outside the Council's control and therefore will not be included within this proposal.

Risk Assessment

13. As the Council would have less direct control over the site, there are some perceived risks associated with the disposal of the site as follows:
 - i. KCC may choose to sell the site in the future
 - ii. KCC could potentially seek to change the use of the site
 - iii. KCC may potentially not keep the site fully let
 - iv. KCC could potentially not manage the site very well
14. Each of the above risks can be mitigated against by ensuring that these areas are included within a legal agreement setting out the terms of the disposal.

15. In addition, the KCC Gypsy and Traveller Unit are seen as experts in the field and are extremely knowledgeable about Gypsy culture. They have tried and tested methods for managing most situations which could arise on a site since they either manage or own the majority of managed sites in Kent and have a good relationship with the local authorities they work with.
16. KCC have confirmed that they would not have any objections to the inclusion of the recommended clauses within a legal agreement.
17. The table below shows the sites currently either owned or managed by KCC

Sites	District	Pitches
Aylesham	Dover	14
Barnfield	Sevenoaks	35
Coldharbour	Tonbridge & Malling	26
Greenbridge	Canterbury	18
Heartenoak	Tunbridge Wells	3
Polhill	Sevenoaks	7
Three Lakes	Swale	14
Windmill Lane	Tonbridge & Malling	14
Starbridge	Maidstone	18
Water Lane	Maidstone	14

18. KCC have a very close working arrangement with the Police in this field and have a very strong knowledge base about the gypsy families in Kent. This will enable them to make sound management decisions on the site. The Gypsy and Traveller Unit within KCC have a very strong awareness of risk and a proven track record for managing this well.

Community Impact Assessment

19. It is intended that as part of the disposal negotiations a Community Impact Assessment is undertaken.

Other Options Considered

20. The most practical and robust situation for the future management of the Gypsy site is to work closely with KCC. KCC's preference is that they take over ownership of the site rather than a management agreement. It is recommended that whilst a management agreement is an option, this would mean that Ashford would have an ongoing financial liability for the site and face the risk that KCC could terminate the agreement and return the management responsibility to the Council at any time.

Consultation

21. There is no formal requirement for consultation, however if the recommendations set out in the report are agreed, then a consultation exercise will be undertaken with the residents on the site.

Implications Assessment

22. The Council is statutorily required to dispose of land at the best consideration reasonably obtainable. Best consideration is not always the highest price as regard can be had to ethical as well as commercial considerations although these must be in balance. The terms on which the land is disposed are material to the assessment of the consideration. Market value has been assessed by a professionally qualified valuer but it is proposed that KCC take on not only the site but the management and running of it. If the proposal contained in this report is approved, there will also be restrictions and conditions placed on the disposal.
23. The General Disposal Consent 2003 provided that express Secretary of State consent is not needed to a disposal of land at less than the best consideration where the difference between the unrestricted value of the land and the consideration accepted is £2m or less (which it definitely is in this case) and the purpose for which the land is to be disposed of is likely to contribute towards the achievement of the promotion or improvement of economic, social or environmental well-being.
24. This proposal also protects the Council's financial interests in the longer term as, although the costs to the general fund have been significantly reduced in the past year, there are risks that this will be difficult to maintain within the resource that the Council has and therefore this site could easily fall back to creating costs with damage, anti-social behaviour and lost rental income as a result.
25. There is one member of staff who carries out duties in relation to Chilmington site management, this is just one part of her role so it is not considered that TUPE would apply. The time that these changes free up will be filled with duties similar to those she is already performing in the rest of her role and will help provide additional, much needed, capacity.
26. Chilmington Gypsy Site borders another piece of land which is a privately owned Gypsy Site, over which we have very limited control. The disposal is only for the Council owned site and therefore KCC would also have limited control over the private site. It may be argued that there is very little value in a site of this nature as it is unlikely that the site could be used for any other purpose and although the disposal is suggested to take place for a nominal value such as £1, this reflects the fact that it is in the Council's interests for this disposal to take place and the onerous conditions that will be placed on KCC regarding future use.

Handling

27. If members agree the recommendations for disposal Officers will finalise the negotiations with KCC picking up the areas identified in the risk assessment to include these within a legal agreement.
28. A discussion has taken place with the ward member and It will be important to provide reassurance to the local community, including the Parish Council, about ensuring a continued focus to improve the management of this site using the expertise and vast experience of the KCC specialist Gypsy and Traveller Unit.

Conclusion

29. The proposed disposal of Chilmington Gypsy Site will enable a more effective management of the site by a KCC team recognised as experts in the field. This will provide more resilience for management of the site than the arrangements currently in place.
30. Although there are some perceived risks, these can be minimised and managed via the legal agreement in relation to the disposal.
31. It is in the Council's interests to dispose of this site and allow those with the relevant expertise and staffing at KCC to manage it.

Portfolio Holder's Views

32. I fully support this proposal to transfer ownership of the Chilmington Gypsy Site to KCC with the relevant legal clauses as set out in the report. KCC manage the majority of Gypsy sites across Kent and have a vast amount of experience in this regard. I believe that this will provide a stronger management focus on the site and this will ultimately benefit the local community.

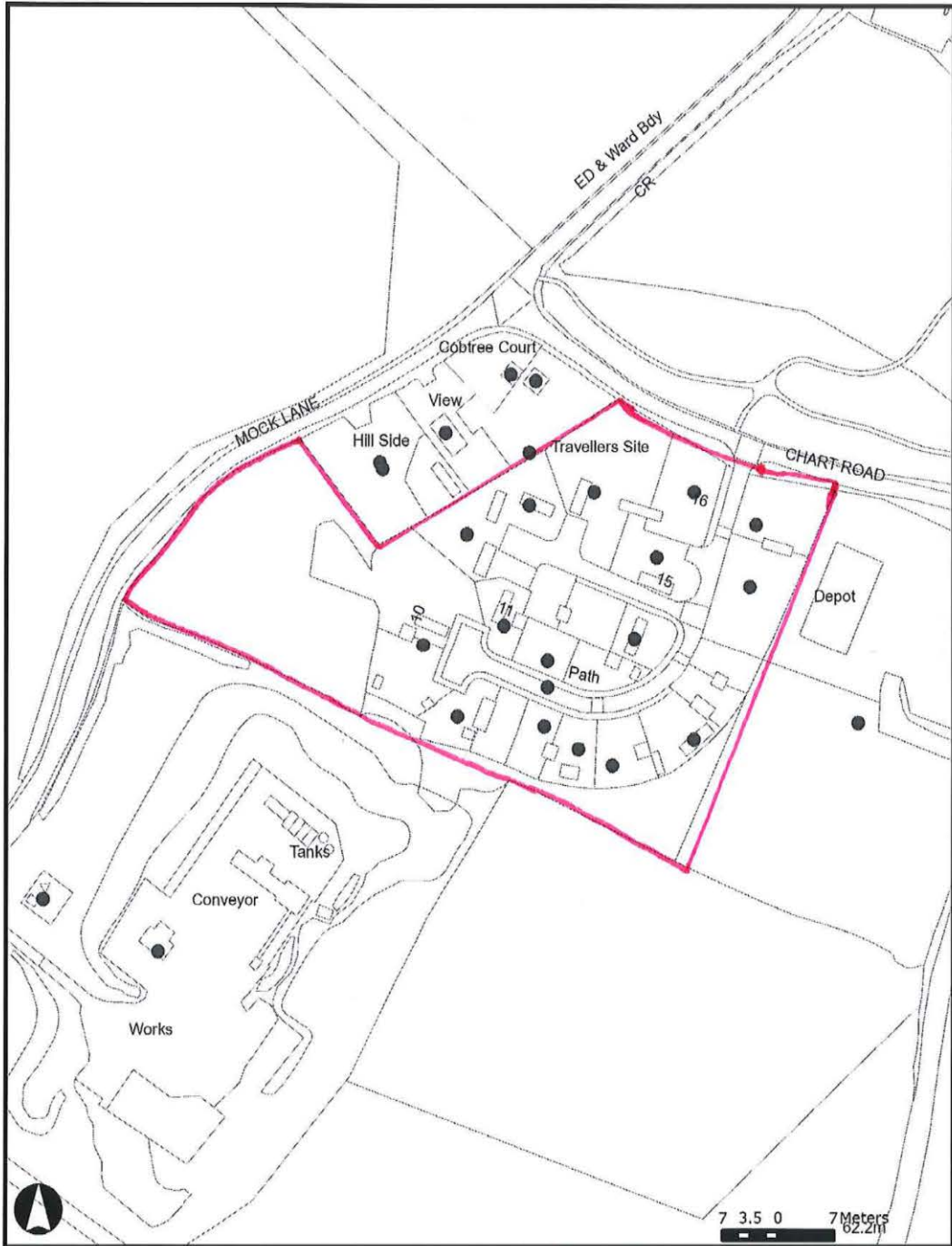
Contact: Sharon Williams, Head of Housing.

Tel: 01233 330803

Email: sharon.williams@ashford.gov.uk



Chilmington Gypsy Site



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Agenda Item No: 8
Report To: Cabinet
Date: 10th March 2016



Report Title: **Victoria Park & Watercress Fields Concept Masterplan and Heritage Lottery Bid (HLF)**

Portfolio Holder: Cllr Mrs Blanford – Culture and the Environment
Report Author: Chris Dixon, Arts & Cultural Industries Manager

Summary: Members prioritised the creation of a long term Management & Masterplan for Victoria Park & Watercress Fields at its' Cabinet meeting of 4th December 2014. This report updates Members of progress and presents a draft concept masterplan (refer Appendix A) with indicative ideas for site wide improvements that starts to a) respond to the pressure of housing growth; b) creates an attractive and improved destination that boosts local civic pride and promotes wellbeing, and c) celebrates the rich heritage of the site.

The report explains the benefits of adopting the concept masterplan to encourage future engagement and investment from a range of partners that could support activities, management and maintenance for the park in the longer term. One immediate partnership opportunity is with the Heritage Lottery Fund (HLF) which is interested in receiving an Ashford bid for their March 2016 funding round, based on refurbishment of the Grade II listed Hubert Fountain.

This report asks Members to approve the draft concept masterplan to provide the Council with a much needed indicative framework for bringing forward future refurbishment plans and timely partnership opportunities. It asks Members to note the interest from HLF and the condition of the Hubert Fountain, endorsing an application to scope, create detailed site plans, conduct public consultation and small scale engagement projects that supports the notion of a 'Fountain Zone' (refer Appendix B for concept ideas).

Key Decision: YES

Affected Wards: VICTORIA (ASHFORD)

Recommendations: **The Cabinet be asked to:-**

- i. Adopt the Victoria Park & Watercress Fields Concept Masterplan as an indicative framework to support the future planning of new development, refurbishment and timely partnership working as opportunities arise;**
- ii. Endorse a first stage application to the Heritage**

Lottery Fund with a Council contribution of up to £10K and for a further report to come forward to consider the second stage application.

Policy Overview:	Corporate Plan: Priority 3: Active & Creative Ashford <i>“Planned improvement to key public space and parks – Victoria Park”</i> Priority 4: Attractive Ashford – Environment, Countryside, Tourism & Heritage <i>“To safeguard and conserve our local heritage and areas of outstanding landscape”</i> Local Plan & Green Corridor Action Plan.
Financial Implications:	<p>The Concept Masterplan provides an indicative framework for zoning Victoria Park and Watercress Fields and each will require more detailed planning and costing in the future. Appropriate developer contributions, partnership and external funding bids will be sought in the longer term (5 to 10 years).</p> <p>The first stage development stage of the HLF application requires a contribution from the Council of £10K (using previous allocated NHB) to enable £70K from the HLF in 2016. This helps work up the scheme which initial estimates suggest could be up to £1.6m (including refurbishment of the Hubert Fountain of circa £758K. A 10% contribution is required for the second stage HLF capital stage and officers believe that this contribution (circa £160K) could be sourced from S106 and other grants which will need to be secured by Autumn of 2017.</p>
Risk Assessment	A serious risk is the continued deterioration of the Hubert Fountain (a Grade II Listed Structure) which is in need of repair and restoration and thus a key driver for the HLF bid.
Other Material Implications:	Victoria Park and Watercress Fields is a strategic park as outlined in the Local Plan and is situated adjacent to significant housing developments including the former Powergen site, Ashford market site and South Kent College, Jemmett Road plus commercial development on Victoria Way.
Background Papers:	The Visioning Exercise documents are in the Members Room for information and are available from the Lead Officer.
Contacts:	<u>Chris.Dixon@ashford.gov.uk</u> Tel: (01233) 330 352

Report Title: Victoria Park & Watercress Fields Concept Masterplan and Heritage Lottery Bid (HLF)

Purpose of the Report

1. This report updates Members on the positive progress made on creating a concept masterplan for Victoria Park and Watercress Fields (refer Appendix A) prioritised as part of the Land Management Improvement Plan adopted in 2014.
2. An opportunity for a first stage development application to the Heritage Lottery Fund (HLF) is explained that could support timely and beneficial repairs and improvements to the Grade II Listed Hubert Fountain and surrounding area as part of creating a 'Fountain Zone' (refer Appendix B for draft concept).
3. The report asks Members to adopt the draft Victoria Park & Watercress Field's Concept Masterplan and endorse a Heritage Lottery Fund first stage application.

Background

4. Victoria Park and Watercress Fields is Ashford's largest and most central strategic urban park situated on the edge of the expanding Town Centre. Members acknowledged its importance as part of the Land Management Improvement Plan and recognised that it is a much valued open space and 'green lung' for local people. It was agreed that a clear framework is needed that helps interpret, articulate and reinforce the importance of the site and appropriately manages and reacts to investment opportunities.
5. Officers, with support from partners and an external consultant, have drafted a Concept Masterplan for the site (refer Appendix A).
6. The Grade II Listed Hubert Fountain provides a landmark entrance at Victoria Parks' key junction of path routes. As part of the masterplanning process, detailed below, its remarkable history was uncovered and its current condition surveyed. It is in much need of restoration, and surrounded by poor quality paving, degraded picnic seating and some planting which detracts from its setting.

Visioning Exercise and draft Concept Masterplan

7. In March 2015, the Council hosted a workshop with some key stakeholders to describe the site, produce a SWOT analysis, identify what work has taken place, and what people would like to achieve in the future.
8. In November 2015, local Landscape Architects Lloyd Bore were appointed to host a Victoria Park and Watercress Fields workshop with Members, officers and partners to create a zonal plan of key landscape character areas throughout the park, future uses, constraints and opportunities, management issues, events and activities.
9. This workshop, research feedback has been placed in the Members Room – *The Visioning Exercise*. It includes a full site appraisal (the context of the site, its key features and strategic position in the borough) and presents the site's priorities and proposed concept zones.

10. Following this visioning exercise a draft Victoria Park & Watercress Field's Concept Masterplan has been produced (refer Appendix A). It provides sketch plans for the site that shows potential ideas for buildings, landscaping and key features. The concept masterplan suggests a series of zonal areas including:
 - a) HERITAGE focusing on the Hubert Fountain and piazza area (the Fountain Zone);
 - b) SPORT & RECREATION encouraging physical activity through play and leisure provision;
 - c) ADVENTURE featuring more challenging activity (e.g. bike ramps and jumps);
 - d) RIVERSIDE supporting the landscape and conservation value that extends through to Watercress Fields.
11. Members are asked to note the visioning work and adopt the Victoria Park & Watercress Field's Concept Masterplan.
12. Zoning allows the Council to consider in more detail their individual management plans and improvement opportunities. It will help officers promote opportunities for engagement by the community and seek different funding sources and partnership support.
13. One zone that has already been researched in light of recent conversations with the Heritage Lottery Fund (HLF) is the Fountain Zone. The Council has a major opportunity to develop and secure funding to support key features in this area through a HLF bid.

Fountain Zone and Heritage Lottery Fund Bid

14. Officers have had several meetings with the Heritage Lottery Fund who were very interested in receiving a bid based on the refurbishment of the Grade II listed Hubert Fountain and elements within the surrounding area, as well as shaping a significant programme of community and local partner activity that celebrates and reveals its remarkable story. Thus a first stage HLF bid (deadline March 2016) has been drafted requesting £70,000 of lottery funding in order to work up proposals and maximise the opportunity for significant lottery investment.
15. If successful in receiving a first stage development grant the Council will be able to produce detailed design specifications, project costs and procurement plans, management proposals and consult widely on the project as well as pilot community engagement projects to produce a community activity and engagement plan. This development work enables a robust second stage bid to be submitted.
16. A strong and committed Community Steering Group for the Heritage project has been forming including Ashford Oaks Primary School, Ashford/Hadlow College, Ashford Museum, Ashford Volunteer Centre, Kentish Stour Countryside Partnership, Create Music Festival and Revelation St Mary's. They are in support of the bid and wish to take part and lead the pilot community engagement projects, helping to form and deliver the second stage application.
17. Fundamental to HLF second stage bid is the capital works to conserve and refurbish the Hubert Fountain (estimated to be £758,000) and upgrading the

public realm in which its sits (estimated at £500,000). HLF also stress the need for a strong community activity and engagement plan which aims to deliver a programme that raises the profile of heritage, builds capacity, ownership and engages local people in education, volunteering, environmental, and arts & heritage activities. It is considered a key part of any capital work to support long term engagement and provisional ideas (to be tested in the first stage) are estimated to cost £360,000.

Financial Implications

18. The HLF two stage processes (the first stage development phase and second stage capital delivery phase) each require a minimum of 10% partner funding. As detailed above, our best estimates for the first stage is a total grant of £70,000 requiring circa £10,000 which is already earmarked from the New Homes Bonus funding allocated in 2015/16 for masterplanning Victoria Park.
19. The second stage total application costs could be circa £1.6m thus a partner contribution of circa £160,000. This does not have to be in the bank at this stage of the bid, meaning officers have time to source contributions from S106 and other grants which will need to be applied for. Obviously this total amount may change as the first stage development phase progresses with more detailed costing.
20. If first stage HLF bid is successful, the estimated timetable for this project is as follows, with an official unveiling and large scale celebration event in 2019:
 - a. First stage decision by HLF: June 2016
 - b. Development phase begins: July 2016 – July 2017
 - c. Submission of second-stage bid: September 2017
 - d. Second-stage decision by HLF: January 2018
 - e. Delivery-phase begins: March 2018 – July 2019
 - f. Unveiling, final celebration & evaluation July 2019 – Sept 2019

Risk Assessment

21. A risk assessment has been produced that will be monitored by the Head of Cultural Services in consultation with an in house working group of key officers to help support and steer the project.
22. A serious risk is the continued deterioration of the Hubert Fountain (a Grade II Listed Structure) which is in need of restoration and thus a key driver for the HLF bid.

Community Impact Assessment

23. The Concept Masterplan aims to provide an indicative framework to support future investment that helps improve the site to benefit residents and visitors. Developing the site alongside a strong Community Activity Plan hopes to support improved community cohesion, inclusion and equality.

Other Options Considered

24. The Land Management Improvement Plan recommends a Victoria Park masterplan and this has been created for Members consideration and adoption.

25. The concept zones will be considered as opportunities and investment comes forward and grants are available. It is believed that the HLF provides an excellent opportunity to bring forward the heritage area and engage the public on a wide and varied scale.

Consultation

26. At this early stage of masterplanning, officers have already consulted with Members, relevant officers and key stakeholders mentioned in this report (refer to the *Visioning Exercise* for more information). South Ashford Community Forum is actively involved and informed, and has received a presentation on the masterplan process, which was very well received. For the HLF bid, there are seven local community groups engaged in the activity plan. If the first stage bid is successful, the 'development phase' of the project includes significant advocacy and community/partner consultation and the production of a communication plan.

Handling

27. The Portfolio Holder for Culture and the Environment, Ward Member for Victoria and Head of Service, will at every opportunity continue to update Cabinet and other relevant networks and forums.
28. An officer steering group led by Cultural Services will help the lead officer, steer the project and support the production of the required documents for a second stage HLF application. Some external expertise will be required to produce design specifications and the community engagement plan and this is part of the costings within the first stage bid.

Conclusion

29. This report brings forward the proposal to begin planned improvements to Victoria Park (CP Priority 3), improving and conserving our local heritage and areas of outstanding landscape (CP Priority 4).
30. Upon Members endorsement of the concept masterplan for Victoria park and Watercress Field's and submitting a first stage HLF bid, Culture Services will continue to look at opportunities to securing partnership funding.

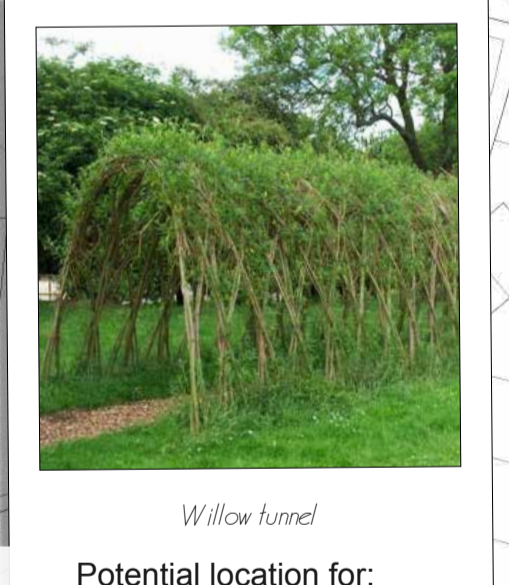
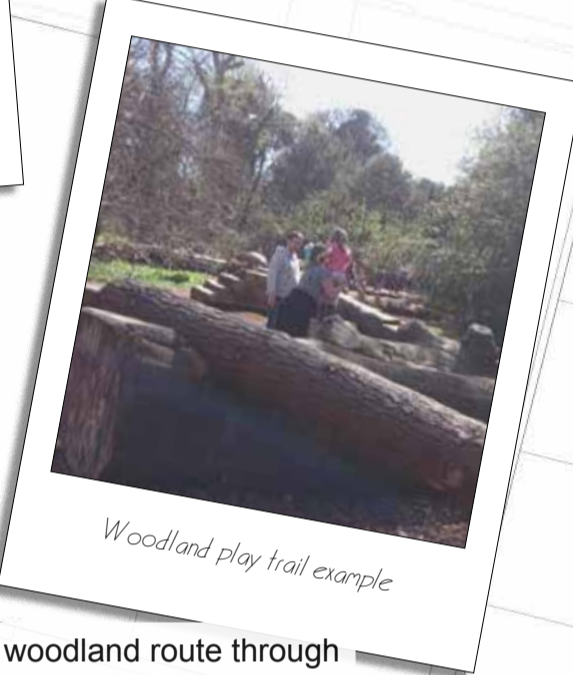
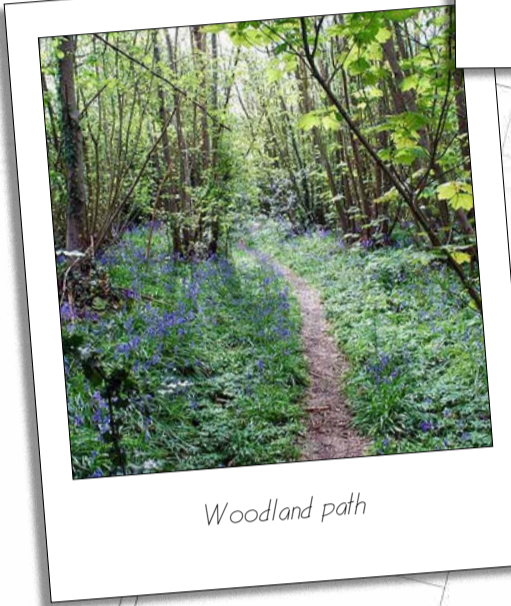
Portfolio Holder's Views

31. Following on from the stakeholder workshop in November, where we identified and prioritised the needs for Victoria Park and Watercress Fields, I endorse this draft concept masterplan and first stage HLF application, and provisions to confirm in principle match funding in order to secure significant partnership funding. I am confident that by developing these proposals we will create desirable and active communities, higher standards of public space, alongside improved standards of presentation for our key municipal park.

Portfolio Holder for Culture and the Environment, Cllr Jessamy Blanford

Contact: Chris Dixon x352

Email: Chris.dixon@ashford.gov.uk



3644_DR_004
 Ashford Borough Council
 Victoria Park & Watercress Fields
 drawing title
 Landscape Masterplan, Sheet 1
 scale
 1:750
 sheet
 A1
 FINAL
 drawn by
 EP
 checked by
 JB
lloyd bore
 33 ST GEORGE'S PLACE
 CANTERBURY
 KENT CT1 1UT
 t: 01227 484 340
 e: info@lloydbore.co.uk
 w: www.lloydbore.co.uk

The Great Stour river flows along the northern edge of Watercress Fields and Victoria Park. From correspondence with the Environment Agency, there are opportunities for improvements to improve flow velocities and fish habitat.

Water vole are in this stretch of the river; white-clawed cray fish and otter are present in the Great Stour in small numbers and could be encouraged into this stretch.

The River Stour currently fails the Water Frame Directive for fish, and therefore there are clear opportunities for improvement.

Landscape Masterplan, Sheet 2 of 3

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Potential wetland sites along the river corridor to provide flood alleviation and habitat diversity, designed in partnership with the Environment Agency



Improvements to riverside landscape with removal of terrestrial habitat and replacement with appropriate aquatic habitat

Access provided to river edge with pollarding of trees and scrub removal, creating picnic areas with some areas of maintained grass

Proposed extension to combat play area with bike ramps, jumps and tracks within existing copse area

Existing combat play area to be refurbished; there is potential for re-use and relocation of existing play equipment for the proposed natural play space. Proposed equipment at this location could be more adventurous and high level, co-located and designed in conjunction with the potential bike park

Potential location for formal wetland feature such as model boating lake

Potential Bike Park

Proposed bold swathes of trees and shrubs to screen and soften the buildings, and reinforce the existing tree planting. Layout allows access to buildings



Consultation with residents to determine legible path routes



Recreation space allows for flexible use, to include informal ball games, overflow parking, events

Recreation space

Meadow planting / long grass to path and woodland boundaries, with mown path margins. Meadow mixes suitable for target species such as bees and butterflies.

Rock Garden

Proposed 3m wide surfaced path to southern boundary, to link with residential housing blocks and Victoria Park

Hillbrow Lane



drawn: 3644_DR_005
 client: Ashford Borough Council
 project: Victoria Park & Watercress Fields
 drawing title: Landscape Masterplan, Sheet 2

status: FINAL
 scale: 1:750
 sheet: A1
 checked by: EP, JB

Lloyd Bore
 38 ST GEORGE'S PLACE
 CANTERBURY
 KENT CT1 1UT
 T: 01227 464 340
 E: info@lloyd bore.co.uk
 W: www.lloyd bore.co.uk

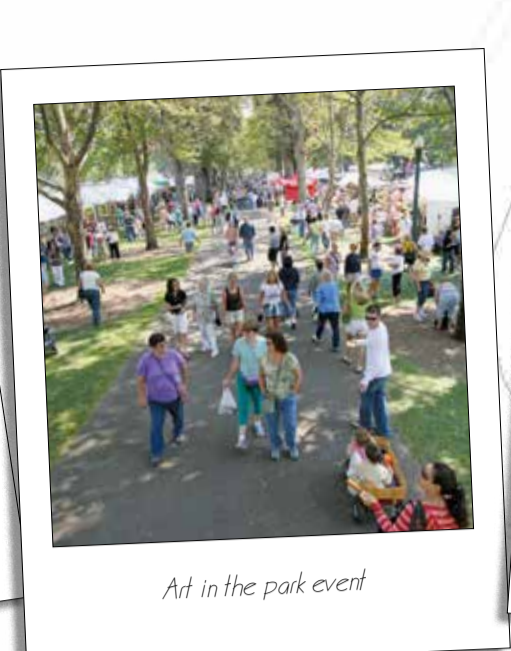
Landscape Masterplan, Sheet 3 of 3

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Victoria Road

The masterplan process provides an opportunity to remove poor quality trees, open up views and consider a wider strategy for trees planting in the park.

Typically the approach to tree planting has been piecemeal; a long-term strategy for tree planting, with specific aims and in conjunction with delivery of other projects, would reverse this ad-hoc approach.



Potential location for pedestrian footbridge connecting with anticipated residential development to the north

Existing combat play area to be refurbished; there is potential for re-use and relocation of existing play equipment for the proposed natural play space. Proposed equipment at this location could be more adventurous and high level, co-located and designed in conjunction with the potential bike park

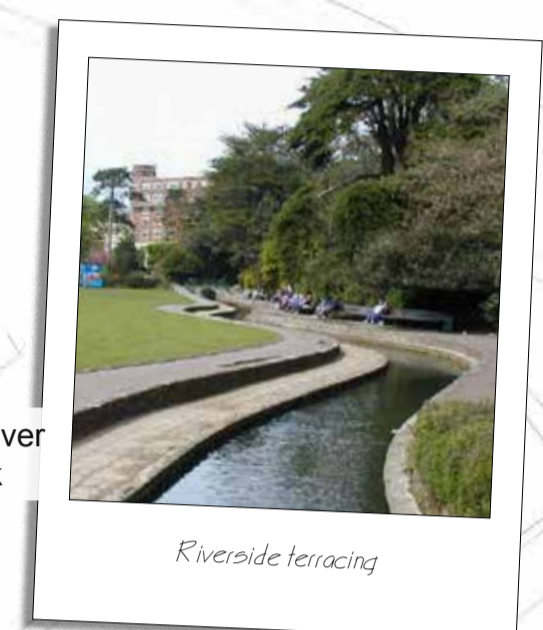
Potential Bike Park

Events area with necessary services permanently provided on site

Gasworks Lane

Gasworks Lane entrance refined with new paving, works to bridge and signage, as part of site wide strategy for detailing entrances, and in liaison with potential development north of the river

Potential access to the river with a terraced riverbank



'Jemmett Jaunt' route following the original path layout

Screening of industrial development

Town centre link

Recreation space

Events space

Fountain Zone

Existing access to be upgraded with new surfaced path route, and removal of vegetation

Secret Garden area to be restored, with access improved between Watercress Fields and Victoria Park

Play space to be informally laid out with no boundaries, in view of the seating area and new building. Play to be natural in approach, with opportunities for climbing, swinging, sliding, exploring.

Paved seating area laid out beneath an avenue of proposed trees, which continue the existing tree lined avenue. The paved area is designed in conjunction with the building, as a seating area beneath the trees

Proposed feature to terminate the new axis path; potential for sculpture, water feature, play feature

Potential location for secure and fenced outdoor flat green bowls, to National and International standard (40.75 x 40.75m). Location subject to consideration of existing heritage trees, tree survey, and capital cost to divert the existing path. Alternative option is to create a formal garden with sculpture feature to terminate the axis from the fountain; refer sketch below

Flexible space for temporary events e.g. marquee, archery, fairs

Existing MUGA courts

Scope for removal of existing trees to open up the space and views

Existing avenue of trees are of poor quality; there is scope for replacement and potential widening of the existing path, subject to tree survey and necessary root protection

Existing park gates to remain, as important heritage feature. Boundary to be decluttered, with removal and refinement of all street furniture. Park railings reinterpreted as artistic feature(s), temporary and permanent. Park boundary to remain open, welcoming and accessible.

New building to replace the existing structure, with toilets, cafe, meeting space, childrens nursery and storage.

Existing public car park upgraded, and realigned towards Jemmett Road

Main entrance; potential access for HGV with widening and realignment of existing routes, subject to tree survey and further detailing by traffic engineer, with necessary root protection

Existing sub station
Potential space for public car park (subject to levels)

Existing play space to be removed and replaced with sensory gardens of a high horticultural standard, with opportunities for community involvement and disabled access

Refer to drawing 3644_DR_007 for detailed design regarding the Fountain Zone

Refinement to Bowens field entrance with removal of unnecessary street furniture, new paving, signage and soft landscaping

Refer to 3644_RP_001 Landscape Masterplan Report for detailed narrative on the design process and proposals

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Ashford Borough Council
Victoria Park & Watercress Fields

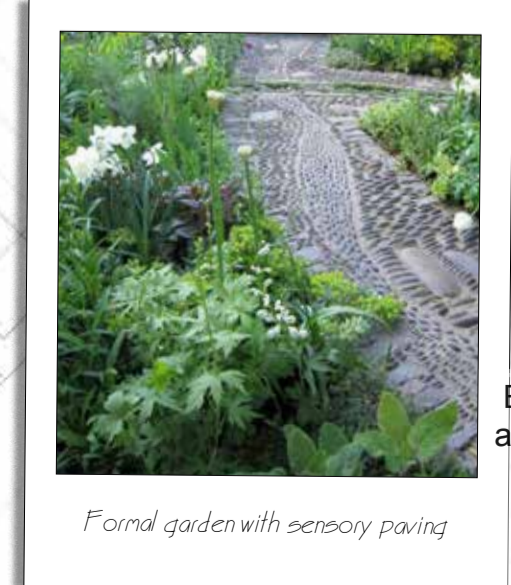
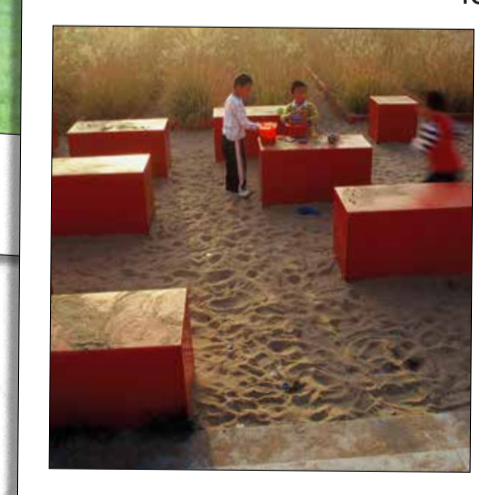
Landscape Masterplan, Sheet 3

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checked by JB

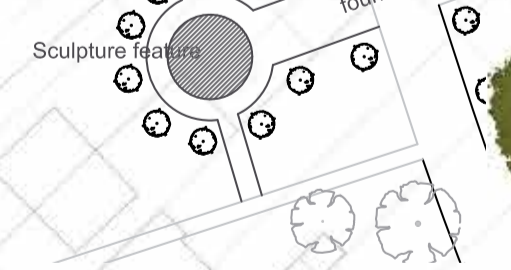
lloyd bore

33 ST GEORGE'S PLACE
CANTERBURY
KENT CT1 1UT

01227 464 340
mail@lloyd bore.co.uk
www.lloyd bore.co.uk



Hillbrow Road



Existing Bowls Club

Jemmett Road

New Building

Paved plaza area

Space for informal and imaginative play

Existing fountain axis extended

Screening of industrial development

Town centre link

Gasworks Lane

Victoria Road

Concept Stage for Fountain Zone – Appendix B

This is a summary of the potential enhancement of the area around the Hubert Fountain. Parts of the development will be included in a Heritage Lottery Fund with the remaining works being brought forward as part of the Victoria Park Masterplan that aims to provide a framework for future investment opportunities.

Hubert Fountain History

Victoria Park, true to its name, is of typical Victorian design, with one outstanding architectural feature, the large and exuberant Hubert Fountain. The fountain is Grade II listed, from a world famous foundry in France. It is a magnificent example of 19th century cast-iron work, in the neoclassical style commonly known as Beaux Arts.

First presented at the International Exhibition of 1862 alongside its 'sister' fountain - what is now the Grade A listed Ross Fountain situated adjacent to Edinburgh Castle, it was purchased by John Earl-Drax – known as the 'Mad Mayor of Wye', for his home in the grounds of Olantigh Towers, Ashford. The fountain was sold on to Mr George Harper in 1910 during the rebuild of Olantigh Towers after a major fire, and it was George who presented the fountain in a generous act of philanthropy to Victoria Park in 1912. It was gifted on one condition that the fountain 'played' every year on his birthday (23rd July). Unfortunately George Harper committed suicide only a month later. This story is little known locally, and it is not known whether the fountain has ever 'played' on his birthday.

Fig. 41: Ross Fountain, Hubert Fountain, Great Exhibition 1862



Fig. 42: Hubert fountain, Victoria Park, 1916



Fig 43: Current condition and signs of degradation



The following key elements have been considered for the Fountain Zone as part of the Victoria Park Masterplan.

- The zone provides the entrance point from the town centre, and is an important junction for a network of routes. The importance of this location is reflected in the proposed layout and the relationship with the path network.
- The entrance should provide a logical layout, enhancing the setting of the fountain, and creating a clear sense of arrival at the park.
- Development is planned for northeast of the river, as detailed in the extract from the Illustrative Landscape Masterplan for the former Powergen site planning application.

FOUNTAIN ZONE: 3D ELEVATIONS

View from the southeast

- 5.65 This main view is from the existing boundary path, from a location where benches are proposed, and the fountain would be seen beneath the proposed shelter structure.
- 5.66 The view indicates the small paved events area, with long bench seating to the sides.
- 5.67 Planting beds and grass areas frame the fountain.

Fig. 69: View 2: Fountain Zone view through the shelter

Fig. 70: Approximate existing view



Shelter structure indicated at 4 - 5m in height

Long timber bench seats

Paved area beneath structure, for informal events, temporary features, catering concession

Not to Scale

Fig. 71: Fountain Zone from Bowens Field

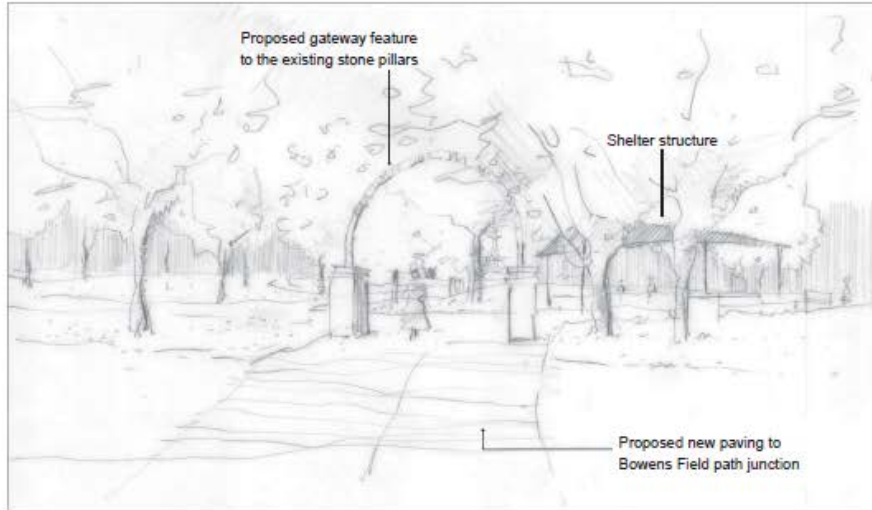


Fig. 73: Fountain Zone from the end of the new axis



Fig. 72: Main Entrance: approximate existing view



Fig. 74: New Axis: approximate existing view



Fig. 75: Fountain Zone from Gasworks Lane entrance



Fig. 77: Fountain Zone from the existing axis



Fig. 76: Gasworks Lane: approximate existing view



Fig. 78: Existing Axis: approximate existing view



Fig. 79: Fountain Zone from Bowens Field



Fig. 80: Main Entrance: approximate existing view



Agenda Item No: 9
Report To: Cabinet
Date: 10th March 2016



Report Title: Management of Leisure Facilities: Corporate Strategy 2015-2020: Priority 3 Active & Creative Ashford.

Report Authors: Christina Fuller, Head of Culture

Portfolio Holders: Cllr Jessamy Blanford Portfolio Holder for Culture & Environment.

Summary:

Following lengthy discussions with Ashford Leisure Trust (ALT) including both the Leader of the Council and Chief Executive, no agreement has been reached to progress the redevelopment of the Stour Centre and a revised 3 year agreement for the Stour Centre, Julie Rose Stadium (JRS) and Conningbrook Lakes. It is now of growing strategic importance that the Council make progress to deliver the leisure management and financial aims described in the policy overview below.

The report updates Members on the Jasmin Vardimon Big 8 project.

This report was presented to the Stour Centre Regeneration Steering Group on 1st March.

Key Decision: NO

Affected Wards: All.

Recommendations: **The Cabinet be asked to:-**

- (i) Note the contents of the report;**
- (ii) Agree that the Council (a) terminate the existing agreements with Ashford Leisure Trust for the operation of the Julie Rose Stadium and Conningbrook lakes Country park and (b) enter into a concession contract for up to 18 months (extendable for up to 6 further months) with Neighbourhood Southern Community Trust Ltd and their management agent Serco Leisure Operating Ltd for the operation of Conningbrook Lakes Country Park and Julie Rose Stadium, Pitchside, Courtside and the Spearpoint Pavilion;**
- (iii) Agree the allocation of £24,650 to the Jasmin Vardimon Company for assisting the scoping of a new location;**

- (iv) **Authorise the Heads of Culture and Legal & Democratic Services in consultation with the Leader of the Council and the Portfolio Holder to take all appropriate steps including entering into legal agreements as required to give effect to the above.**

Policy Overview: The 5 year corporate plan 2015-2020 specifically commits to improving the management and development of the Council's key leisure facilities so that they are among the best in the UK. Discussions with ALT have reached no agreement so this report now seeks a new means to make substantive progress to deliver the Council's aims in the corporate plan. Accordingly the report brings forward proposals for leisure management arrangements which aim to:

- (a) Address the aspiration of the Administration to extend the cultural offer at key facilities such as Conningbrook Lakes and the Stour Centre to provide higher quality facilities for sports, culture and leisure.
- (b) Deliver improved value for money –towards achieving independence from government funding by 2018/19
- (c) Identify new funding opportunities to support capital re-investment in cultural facilities.

Financial Implications: The proposed "concession contract" with the Neighbourhood Southern Community Trust Ltd does not require the Council to pay anything and maintains the current tax efficient fiscal operation. The Trust will oversee the Serco Leisure operation (as per the arrangements at Tenterden Leisure Centre) and the operator will perform the services required by the Council (see Appendix 1), pay the running costs and retain the income. In addition, Serco Leisure will undertake facility maintenance which hitherto has been funded by the Council. This will effectively reduce the maintenance expenditure delivered by Property Services by an estimated £10,000 to £15,000 pa. Further savings in maintenance costs are anticipated from the economies of scale arising from the inclusion of Conningbrook Lakes, and potentially Pitchside, Courtside and the Spearpoint Pavilion.

Risk Assessment Officers have prepared a risk assessment for the proposed transfer of the leisure management arrangements from ALT to Neighbourhood Southern Community Trust Ltd.

Community Impact Assessment (CIA) A CIA screening tool has been completed which indicates services are open to all and the proposals in this report bring positive benefits to equality of access.

Other Material Implications: The proposals in this report seek to support and deliver the corporate plan and medium term financial plan.

Contacts: Christina.fuller@ashford.gov.uk – Tel: (01233) 330228
Len.mayatt@ashford.gov.uk – Tel: (01233) 330490

Report Title: Management of Leisure Facilities: Corporate Strategy 2015-2020: Priority 3 Active & Creative Ashford.

Purpose of the Report

1. In accordance with the corporate plan the report will deal with matters relating to the future management and appointment process for the operation and development of key leisure facilities namely the Stour Centre, Conningbrook Lakes Country Park and the Julie Rose Stadium.
2. Furthermore the report recommends authorising the appropriate Heads of Service to include other smaller yet important local council operated leisure and sports facilities namely Pitchside, Courtside and the Spearpoint Pavilion on the grounds of efficiency and effectiveness.
3. The report updates members on the Jasmin Vardimon project and asks that they agree to support the scoping of a new location.

Report

Stour Centre: Ashford Leisure Trust (ALT)

4. As Members will know, ALT hold a leasehold interest in the Stour Centre site for the next 15 years and have written to the Leader of the Council stating that they intend this position be retained. In March 2014 Members agreed for officers to work with Ashford Leisure Trust (ALT) to develop a market testing exercise, secure a modern contract and services specification and negotiate a 3 year management arrangement and lease for the JRS and Conningbrook Lakes.
5. The intent was to assess the leisure operating market and agree, together with ALT, a joint procurement process for the appointment of an agent to carry out the effective day to day operation of a range of local leisure facilities. This approach supported the Council's strategy to continue to secure financial efficiencies in a climate of continuing Government pressure on public sector expenditure. This approach has been very successful at Tenterden Leisure Centre and has assisted the Trust and Council to continue to generate savings for capital reinvestment.
6. The key aims of the proposed leisure management appointment process have been discussed with ALT namely to retain the trust model for financial reasons and to secure a stronger well resourced leisure operator with greater capacity and able to provide:
 - a. an improved financial offer that enables the Council to reduce subsidy and support future investment;
 - b. effective business planning with bespoke business proposals;
 - c. project management capacity and expertise to deliver agreed refurbishment projects, and
 - d. greater resources and vision to tender for other local leisure and community infrastructure contracts supporting Ashford's future growth, development and ambition.

7. Unfortunately no formal agreement with ALT on market testing the wider leisure operator market has been secured and a modern contract specification for the Julie Rose Stadium has not been agreed by ALT.
8. As Members will be aware the Council has delayed upgrading the sport and leisure facilities at the Stour Centre, in an endeavour to join up and assist the Jasmin Vardimon Company (JVC) with its ambitious plans. Unfortunately these became unaffordable so we have been unable to progress further.
9. It is still officers' opinion that the best approach for bringing forward improvement proposals is through a full market testing process and we will continue to encourage ALT to work in partnership to deliver this. However it is recognised that there is an urgent need to move the other important sites onto a modern contractual arrangement.
10. Members are recommended to authorise the Head of Culture and the Chief Executive in consultation with the Portfolio Holder and the Leader of the Council to consider and scrutinise these proposals from Ashford Leisure Trust and report the proposals to Cabinet in due course.

Proposed Revised Management Arrangements for Conningbrook Lakes Country Park, Julie Rose Stadium and other local leisure facilities.

11. ALT have a temporary tenancy at will to operate the Julie Rose Stadium and a management agreement at Conningbrook Lakes which are proposed to be terminated. This will assist ALT to focus their modest resources on bringing forward their proposals for redevelopment of the Stour Centre, and producing a commercial business plan, capital re-investment, service specification and related management and contractual arrangements.
12. It is acknowledged that the leisure operational management challenges are significant and pressing. The water sports activities on the lake will be substantially greater this spring and the impact of the housing development interface with the park predicted to commence during 2016 will need careful co-ordination and management to ensure a continued safe and effective service.
13. Subject to agreement of detailed terms, it makes sound business sense for smaller but none the less important facilities (such as Courtside, Pitchside and the new and improved Spearpoint Pavilion) to be added to the management agreements with Neighbourhood Southern Community Trust Ltd and Serco Leisure Operating Ltd.
14. If we are to deliver the aspirations set out above the Council needs to secure more robust and very well resourced leisure management operator that will strengthen service management, development skills and operational capacity for the park, stadium services and infrastructure. This approach will ensure the Council can exploit and develop the full potential of major leisure assets given the S106 funding that is expected in the near future and maximise other leisure opportunities that develop.
15. To make this happen and secure a national leisure operator the Council is able to enter into new leisure management arrangements through a "concession contract" which is not subject to EC procurement regulations. The meaning of concession contracts under the Public Contracts Regulations 2006 is set out below:

“Services concession contract means a public services contract under which the consideration given by the contracting authority consists of or includes the right to exploit the service or services to be provided under the contract...”

16. This means that we provide the concessionaire (Serco Leisure in this example) the opportunity to make the business viable to them through charging the public and retaining this income, not by any direct funding from the Council. Under such an arrangement the contractor takes the business risk. Service concession contracts are excluded from the requirement to procure under Regulation 6 of the Public Contracts Regulations 2006.
17. It is therefore proposed to improve the management and development of Conningbrook Lakes Country Park and the Julie Rose Stadium through a concession contract with Neighbourhood Southern Community Trust and their management agent Serco Leisure Operating Ltd. This concession contract would commence once the necessary formal notice (of one month) is given to ALT and run for up to 18 months. This period may be extended for a further six months by mutual agreement by the Head of Culture in consultation with the Leader of the Council. The draft heads of terms and summary of the services specification is set out in Appendix 1 which has been reviewed in detail by the Stour Centre Regeneration Steering Group and Members of the Conningbrook Working Group.
18. Crucially this timescale allows the Council to review and consider all its leisure management arrangements, including the Stour Centre in partnership with ALT and decide whether a further extension may be agreed or a wider competitive procurement exercise can be considered.
19. As mentioned above Pitchside, Courtside and Spearpoint Pavilion should in principle be added to these arrangements and Serco are keen to include these facilities as part of the terms of the concession contract enabling them to bring economies of scale to bear and reducing the operational burden on the Council.
20. Members will wish to consider carefully the reasons why Management Team, the Portfolio Holder and the Stour Centre Regeneration Steering Group are proposing these arrangements be entered into with Neighbourhood Southern Community Trust and Serco Leisure Ltd (Serco). They considered the need for a local trust, the time constraints to put a new model in place and the expertise of the current trustees which will be strengthened by local representatives as soon as possible.
21. They endorsed the benefits of contracting Serco as follows:
 - a. Serco is a national leisure operator with numerous major council leisure contracts in the UK and Channel Isles (see contracts summary at Appendix 2). They have successfully managed and developed Tenterden Leisure Centre for the Tenterden Trust and Council as landlord for approximately 20 years (since 1994). During this time they have demonstrated the management skills and expertise required.
 - b. Serco has a wide leisure and cultural portfolio which includes the National Water Sports Centre Nottingham and other relevant services to Conningbrook Lakes such as the Maidstone Leisure contract which includes but is not limited to Mote Park and the Lake. Serco also provide arts and popular entertainment as additional services to boost services and revenue income.

- c. They are experienced and keen to bid successfully for major new contracts having recently secured Birmingham City cultural services contract, one of the largest in the UK.
 - d. It makes sound business sense for Serco to seek to strengthen and expand their presence in a successful and growing Ashford Borough contiguous with other Serco contracts such as Swale and Maidstone.
 - e. Serco are willing and able to agree a concession contract with the Council on a relatively short term basis and to support and advise the Council on the development of the Conningbrook Lakes Country Park and Julie Rose Stadium.
 - f. In due course if the Council were minded to procure cultural and leisure services as part of a wider competitive package Serco would be in a sound operating position to make the Council a competitive offer as part of that wider procurement exercise.
 - g. The proposed concession contract with Serco will maintain the financial benefit of trust status and save the Council an estimated £10,000 to £15,000 pa. on maintenance expenditure.
 - h. Serco will put in place, their Neighbourhood Southern Community Trust. This is a fully compliant legal charitable entity which will trade as an exempt charity to secure financial continuity with full VAT and NNDR charitable relief for the council. This is a new trust, established by Serco for speedy use in circumstances such as these, which is intended to operate in the same way as similar trusts which Serco has established to support other local councils and has experienced trustees. The trust's governance arrangements can evolve to enable the Council, if so minded, to work with the trust to provide appropriate local representation and control including but not limited to a representative put forward by the Council (as advisers or trustees), local business people and representation from users of the facilities and local residents.
 - i. Subject to Member's agreement, Serco are able to assume responsibility for the services at Conningbrook Lakes Country Park and Julie Rose Stadium, Courtside & Pitchside potentially in April 2016 including any transfer of existing staff from ALT if appropriate.
22. For these reasons Members are asked to agree that the Council enter into a concession contract with Neighbourhood Southern Community Trust and their management agent Serco Leisure Ltd to operate and develop the Conningbrook Lakes Country Park and Julie Rose Stadium and note the summary of the heads of terms and service outcome specification set out in Appendix 1 including the delegation to negotiate the inclusion of Pitchside, Courtside and the Spearpoint Pavilion within this agreement on the grounds of efficiency and effectiveness.

Jasmin Vardimon (JVC) Big 8 Project

23. As Members will know the earlier redevelopment plans to upgrade the sport and leisure facilities at the Stour Centre, in an endeavour to join up and assist Jasmin Vardimon Company (JVC) with its ambitious plans, became unaffordable. The Stour Centre Regeneration Steering Group prompted a review and subsequently expressed concern that the scale and costs were increasing beyond affordability. The Arts Council for England (ACE) also withdrew because the scheme changes and scope were so significant in nature to that submitted at Stage 1. Accordingly the decision was taken not to proceed with that particular scheme.
24. Nevertheless the presence of JVC in Ashford remains highly valued given their local community education programme, and outstanding contribution to the cultural offer at county, national and international level. Equally the Cabinet greatly values the wider community sports and leisure offer and wishes to press forward positively to develop the sports and recreation facilities to meet the aspirations of a growing and thriving Borough. These aims are set out in the revised corporate plan.
25. Officers have continued to work closely with JVC and external partners to find an alternative way of delivering an affordable and deliverable project. This work is being overseen by the Ashford Strategic Delivery Board and remains a strategic Ashford Big 8 project. Officers have been working with JVC to see how their unique cultural offer in Ashford could be strengthened in a cost effective way at a new site. ACE and KCC, remain supportive of JVC, and are now awaiting the announcement of the capital funding round to support a partnership bid for scoping funding via ACE.
26. The Ashford Strategic Delivery Board and portfolio holder are supportive of supporting JVC to scope a relocation to a new site. Accordingly Management Team have agreed to work with ACE, KCC and JVC by releasing the balance of the original and remaining joint partnership scoping funds of £84,455 (inclusive of ABC's £24,650) held by the Council for the earlier Stour Centre scheme. This will enable JVC to lead the partners in scoping the revised project and preparing a funding proposal to ACE. Members are asked to note this approach and allow the Council's remaining £24,650 to support this continued partnership approach.
27. JVC would remain based within the Stour Centre whilst this scheme is being scoped and if successful JVC are likely to relocate at some point. Members will be kept informed of developments.

Risk Assessment

28. Officers have prepared a risk assessment for the proposed transfer of the leisure management contract from ALT to Neighbourhood Southern Community Trust and Serco. These risks were shared with the Stour Centre Regeneration Steering Group and it is felt that all identified risks can be appropriately managed.

Community Impact Assessment

29. The CIA screening tool has been completed which indicates services are open to all and the proposals in this report bring positive benefits to equality of access.

Other Options Considered

30. The contents of this report demonstrate that “do nothing” is not an option. We have endeavoured to work with ALT for some time to secure a market testing procurement process without success. The strategy proposed in this report therefore represents a prudent and positive approach which will achieve results and assist the Council to achieve its aspiration to strengthen leisure management and improve value for money. Importantly this approach does not preclude moving towards a wider market testing exercise in the future if Members are so minded.
31. We have discussed with the Stour Centre Regeneration Steering Group the merits of engaging experienced trustees and strengthening the existing Neighbourhood Southern Community Trust with local representation rather than create a new Charitable Trust which will take more time and Council resource.

Handling

32. If Members are minded to agree the recommendations in this report, officers will put in hand the handling of transfer of the Julie Rose Stadium and Conningbrook Lakes management operation from ALT to Serco. Some aspects may require cooperation from ALT, and our own culture, legal and financial teams will undertake the necessary negotiations. Members will be kept informed of progress as required.

Portfolio Holder's Views

33. I welcome this important report which deals with delivery of several of the administrations new corporate plan priorities namely; the quality of the Council's key leisure facilities, their effective management, facility development and value for money. These are significant factors in promoting the health and well being and quality of life of our community.
34. The report brings forward helpful and considered recommendations concerning the leisure management of key cultural facilities and paves the way for potential capital investment to keep pace with Ashford's aspirations and economic growth. The report also deals with several important and inter-related issues, namely the importance of pressing ahead with the improvements to the Conningbrook Lakes Country Park, and updates members on encouraging progress with assisting Jasmin Vardimon to realise their ambitions to grow and thrive in Ashford Town Centre and to help the Council in potentially creating a world class cultural industries hub.

Contact & Email: christina.fuller@ashford.gov.uk Tel: 01233 330228
len.mayatt@ashford.gov.uk. Tel: 01233 330490

1. Draft Heads of Terms & Building Maintenance

Terms and maintenance responsibilities for the facilities (the Site) will be established in agreements between Ashford Borough Council (the Landlord) and the Neighbourhood Southern Community Trust Ltd through its Managing Agent Serco Leisure Operating Ltd (The Tenant) and the current approach is summarised below. The precise arrangements under which each facility will be managed (e.g. lease, licence, management agreement, etc) has yet to be determined and will vary from facility to facility. Therefore in the following the use of terms “landlord”, “tenant”, “lease” etc. should not be taken as indicating any particular tenure.

All Sites	Lease Agreement Terms
Agreement	<ul style="list-style-type: none"> 18 months plus 6 months optional extension £1 per annum rent for each Landlords consent shall not be unduly withheld should proposals to improve the operation of the facilities be submitted by the Tenant Landlord shall pay the buildings insurance and agree a contribution from the Tenant Tenant to take out insurance against loss or damage to contents, fixtures and fittings as well as not less than £10m Public Liability Tenant shall be responsible for monitoring and reducing utility consumption wherever possible and for all utility payments

Sites	Decoration, Maintenance, Plant & Equipment Requirements
Conningbrook Lakes Country Park (Management Agreement)	<p><i>Landlord</i></p> <ul style="list-style-type: none"> Repair, maintenance and replacement of the Structure excluding the routine or day-to-day repair, maintenance, minor replacements. Repair, maintenance and replacement of Major Plant excluding the routine or day-to-day repair, maintenance, minor replacements. <p><i>Tenant</i></p> <ul style="list-style-type: none"> Repair, maintenance and replacement of the Site including <ul style="list-style-type: none"> all fixtures and fittings within the site the equipment and other items (whether previously supplied by the Landlord or otherwise) required for the proper operation of the Site Decoration and cleanliness of the Site.
Julie Rose Stadium	<p><i>Landlord</i></p> <ul style="list-style-type: none"> Repair, maintenance and replacement of the structure of the Site (including the Building and the tented roof on the Site) but excluding the routine or day-to-day repair, maintenance and minor replacements. Repair, maintenance, replacement of Major Plant but excluding the routine or day-to-day repair, maintenance, minor replacements. <p><i>Tenant</i></p> <ul style="list-style-type: none"> Repair, maintenance and replacement of the Site including <ul style="list-style-type: none"> all fixtures and fittings within the Site the equipment and other items (whether previously supplied by the Landlord or otherwise) required for the proper operation of the Site Decoration and cleanliness of the Site.
Courtside & Pitchside	<p><i>Landlord (in this case it is KCC)</i></p> <ul style="list-style-type: none"> Repair, maintenance and replacement of the Structure including roof and gutters but excluding the routine or day-to-day repair, maintenance and

	<p>minor replacements.</p> <p><i>Leaseholder (Ashford Borough Council)</i></p> <ul style="list-style-type: none"> • Replace the playing surfaces (3G and Courtside courts) • Repair, maintenance, replacement of Major Plant excluding the routine or day-to-day repair, maintenance, minor replacements. <p><i>Tenant</i></p> <ul style="list-style-type: none"> • Repair, maintenance and replacement of the Site including • all fixtures and fittings within the Site • equipment and other items (whether previously supplied by the Landlord or otherwise) required for the proper operation of the Site • Decoration and cleanliness of the Site.
Spearpoint Recreation Ground & Pavilion	<p><i>Landlord</i></p> <ul style="list-style-type: none"> • Grounds Maintenance <p><i>Tenant</i></p> <ul style="list-style-type: none"> • Full repairing lease (Building will be under warranty)

2. SUMMARY OF THE SERVICES SPECIFICATION

A detailed Services Specification has been drafted which sets out the Performance Standards that the Operator (the Neighbourhood Southern Community Trust Ltd through its Managing Agent Serco Leisure Ltd) shall meet in the delivery of the Services on behalf of the Authority (Ashford Borough Council) which includes the following:

General

The specified Facilities and the associated buildings, grounds, pitches, courts and any other leisure amenities to be maximised for sporting, leisure and recreational uses.

The Facilities are:

- Julie Rose Stadium
- Conningbrook Lakes Country Park
- Courtside & Pitchside
- Spearpoint Pavilion

Annual Performance Requirements

Provides the Operator with a high level view of the outcome and context of the requirements of the Authority and the need to improve participation rates.

Authority's Key Outcomes i.e. to manage the Facilities with the aim of delivering the highest feasible quality services for the enjoyment and sporting achievement of the Borough's residents - *refer Appendix 2a below for detail.*

Service Performance Requirements

A list of standards that relate to the output that the Operator shall meet but which are covered by regulations, Legislation, British Standards etc. and standards that set out the level of performance that the Operator shall meet including a reporting regime for various elements including complaints, accidents and incidents, inspections and maintenance checks.

- Cleaning
- Environmental, Energy Management
- Customer Service
- Catering and Vending
- IT Systems
- Maintenance of Buildings, Plant and Equipment
- Grounds Maintenance
- Event Management

Facility Performance Requirements

Detailed description of the standards required for operating the Facilities but which are covered by regulations, Legislation, British Standards

- Pricing Requirements
- Activity programming
- Health and Safety Management
- Opening Hours & Staffing
- Legislation and Policy
- Equipment
- CCTV and Security

Reporting Requirements

The Operator shall produce various reports, monitoring documents and financial summary's setting out the Operator's successes and areas for improvement against the Authority's Outcomes.

- Monthly contract monitoring meetings
- Annual Business Plan
- 6 monthly Trust/Operator meetings
- Quarterly Service Report and key performance review.

2a. Performance Standards

The Authority requires the Operator to work collaboratively in partnership to deliver first class leisure services which are accessible, well-managed, clean and provide a comfortable environment applicable to individual activities. The Authority requires the Operator to:

1. Work collaboratively in partnership to maximise investment opportunities in relation to the leisure portfolio and to continuously improve the services for the health and wellbeing of the area;
2. Support the aims of the Ashford Health and Wellbeing Board and Ashford Integrated Commissioning Group in terms of Health Improvement in relation to their annual priorities and medium/long term objectives such as supporting families, long term conditions and healthy living (Healthy Eating and Physical Activity);
3. Increase the current leisure portfolio to include additional recreational facilities;
4. Work collaboratively with the Authority to enhance the facilities on a rolling programme of facility enhancements, to be agreed on an annual basis;
5. Work collaboratively with the Authority to agree a structured target for the reduction of utility expenditure incorporating agreed base lines for current and future build facilities;
6. Deliver quality community programmes in schools, clubs and the community using internal and external facilities;
7. Increase participation across all activities;
8. Develop programmes of activity for disabled people;
9. Develop a programme of Community Events to include School Sport competitions, elite sport events and charitable events; and
10. Provide programmes to develop talent.

The key targets to which the Operator should aim to contribute towards, from the Ashford Borough Corporate Plan are as follows:

1. Jobs and economic growth: attracting and growing our business, leisure, retail and hospitality sectors;
2. Quality places to live: supporting cultural, artistic and sporting events which not only make the borough a better place to live, but bring the community together;
3. Value for money services: delivering effective and efficient services which are responsive to residents' needs and provide value for money;
4. A vibrant Town Centre;
5. Activities for young people: To make sure that our young people have places to go and things to do;
6. Sport and active living for the Over 60s;
7. Energy efficient buildings; and
8. Helping residents to help themselves, supporting capacity building and volunteering.

Quality Accreditation - it is the joint aspiration of the Authority and the Operator that a nationally recognised Quality Management Accreditation shall be achieved and maintained by the Operator for each of the Facilities.

Appendix 2

Serco Leisure Partnership Contracts

- Tenterden Leisure Centre Trust and Ashford Borough Council
- Basingstoke & Deane Community Leisure Trust and Basingstoke and Deane Borough Council
- Bolton Community Leisure Ltd and Bolton Metropolitan Borough Council
- Eastbourne Leisure Trust and Eastbourne Borough Council
- Harborough District Leisure Trust and Harborough District Council
- Maidstone Leisure Trust and Maidstone Borough Council
- Meopham Sports & Leisure Association
- South Northamptonshire Leisure Trust and South Northamptonshire Council
- South Ribble Community Leisure Ltd and South Ribble Borough Council
- Sport England - Serco Leisure work directly with Sport England to manage Bisham Abbey and Lilleshall National Sports Centre.
- States of Jersey
- Swale Community Leisure Ltd and Swale Borough Council
- West Lancashire Community Leisure Ltd and West Lancashire Borough Council
- Mansfield District Leisure Trust and Mansfield District Council
- Shropshire Community Leisure Limited
- Northern Community Leisure Trust and North Down Borough Council
- Ministry of Defence
- Holme Pierrepont Leisure Trust National Water Sports Centre and Nottinghamshire County Council
- Birmingham City Council.

Agenda Item No: 10

Report To: CABINET

Date: 10th March 2016

Report Title: CCTV Strategy including renewals and investment in the Service

Report Author: James Hann, Health, Parking and Community Safety Manager

Portfolio Holder: Cllr Heyes – Portfolio Responsibility for Highways, Wellbeing and Safety



Summary: Cabinet is asked to reaffirm a commitment to the importance of maintaining and developing CCTV services within the Borough of Ashford.

This report explores the future of the CCTV monitoring centre in Ashford. Looking at the maintenance and replacement required to sustain the current facility along with a number of investment opportunities to generate income by taking on new contracts and savings from a reduction in maintenance and connection costs.

The proposed CCTV Strategy will support a more cost efficient and technologically sound service in support of the Council's robust approach to addressing anti-social behaviour, crime and disorder.

Key Decision: Yes

Affected Wards: All

Recommendations: The Cabinet be asked to:-

- (i) Reaffirm the Council's commitment to the importance of maintaining CCTV services.
- (ii) To confirm the method of provision of these services.
- (iii) To agree an investment of £250,000 to replace public space CCTV cameras in Ashford and Tenterden, to update the back office systems and to provide a single operating platform to facilitate further business development.

Policy Overview: Links to the Five Year Corporate Plan

Financial Implications: Capital investment of £250,000 to replace public space CCTV cameras in Ashford and Tenterden, to update the back office systems and to provide a single operating platform to facilitate further business development.

This investment should increase the income from the monitoring centre and reduce maintenance costs.

Risk Assessment: Addressed within the body of the report.

Community Impact Assessment: No

Background Papers: None

Contacts: james.hann@ashford.gov.uk – Tel: (01233) 330095

Agenda Item No 10

Report Title: CCTV Strategy

Purpose of the Report

1. Cabinet approval is sought to reaffirm a commitment to the importance of maintaining CCTV services.
2. The proposed CCTV strategy will support a more cost efficient and technologically sound basis for the service and thus support the Council's robust approach to addressing anti-social behaviour, crime and disorder.
3. The proposed CCTV strategy will:
 - Contribute to a safer night-time economy and help protect the well-planned and well-resourced infrastructure.
 - Help safeguard our communities and assist in the development of thriving and vibrant town centres.
 - Reduce the council taxpayer subsidy through investing in updated technology. This will put the Council in a positive to attract even more third party contracts and develop its capabilities as a centre providing monitoring excellence in Kent.

Issue to be Decided

4. As well as being asked to reaffirm the Council's commitment CCTV services, the Cabinet is asked to confirm the method of provision and agree further investment.

Background

5. The Borough of Ashford is a safer place to live. Anti-social behaviour (ASB) has fallen significantly over the last three years and the borough now has the lowest volume of reported ASB in the county (3600 reported incidents in 2012/13 to 1200 in 2014/15). Criminal damage (crimes where a person intentionally or recklessly destroys or causes damage to another person's property) continues to fall and the borough as the fourth lowest criminal damage figures in the county. However, reported shoplifting and violent crime continues to rise and be areas of concern.
6. A safer borough for the residents and businesses will be a more successful borough. We want communities to thrive, becoming better, healthier places to live and work. By making our communities safer and stronger for those who live there, we will also increase the attractiveness of the borough as a place to live and work. This will improve our quality of life, create strong

communities that we are proud and happy to be a part of and allow us all to fulfil our potential.

Commitment to the importance of maintaining CCTV services

7. CCTV has a role to play in proactive and reactive crime prevention and in our communities' perception of safety. Community safety practitioners recognise CCTV is a tool to be used as part of an integrated problem-solving approach.
8. There have been claims that CCTV acts as a deterrent to criminal activity and counterclaims that CCTV does nothing more than displace crime. The most extensive evaluation into the 'effectiveness' of CCTV published in 2005 concluded that the technology is most effective when used as a means of directing resources on the ground to incidents as they occurred.

Use of CCTV for crime prevention

9. A National Association for the Care and Resettlement of Offenders (NACRO) report summarised some of the assumptions behind the use of CCTV for crime prevention purposes and can be found in Appendix A.
10. Since NACRO's report, a number of lengthy, and sometimes complex, studies have looked at the impact of CCTV on crime, including various pieces of research that suggest CCTV reduces levels of fear of crime amongst respondents. Further details can be found in Appendix B.
11. The provision of monitored public-space CCTV cameras has been reviewed by many local councils, with a few deciding to cease the service altogether. This has been met with particularly bad press and several have subsequently re-instated the provision of CCTV monitoring.
12. Ashford Monitoring Centre has access to police radio systems covering Ashford and Tenterden and one covering Folkestone, Hythe and Dover. This helps facilitate:
 - CCTV operators using their monitoring skills to direct police response to potential flash points outside pubs and bars before incidents occur – resulting in early interventions and preventing the need for arrest.
 - The use of intelligence to seek out often vulnerable missing persons and those wanted by the police, so that police and ambulance officers can be directed to precise locations.
 - Operators can direct the police to offenders who have left an incident, confirm the suspect's identity and ensure the correct offender is arrested.
13. Operators have access to up to date police information, good lines of communication with businesses in the retail and night-time economy sectors, security staff working in shopping centres, police officers and PCSO officers.

Our operators have been awarded individual awards from Kent Police for their part in making the borough a safer place.

14. Discussions are currently taking place that will see the Street Pastors operating out of the monitoring centre on Friday and Saturday evenings. This will further improve coordination and communication between the invaluable volunteers, the camera operators and, through the monitoring centre's police and town net radios, the businesses and emergency services operating in the night-time economy.
15. It is proposed that locally CCTV has played an important role in making our streets safer, tackling crime and anti-social behaviour in our communities and reducing the fear of crime as part of a wider package of measures delivered in partnership with community safety stakeholders. It is crucial that we continue to improve the way CCTV is commissioned, managed and monitored to evidence its contribution to the wider efforts to reduce crime.
16. Information on the National Automatic Number Plate Recognition (ANPR) provision can be found in Appendix C.

Ashford and Tenterden CCTV Cameras

17. Having made significant capital investments several years ago the Council owns CCTV systems in operation in Ashford and Tenterden.
18. In addition to a commitment to the importance of continuing with maintaining CCTV services, this paper seeks Cabinet commitment to modernise the camera and supporting technology with an investment of £250,000 over two years.
19. Most of the cameras and back office systems that enable the images to be seen and recorded in the monitoring centre are over 15 years old and so they are well beyond their expected life. Fortnightly maintenance on cameras, replacement of parts and the use of second hand back office systems have been used to keep the cameras operating, however, this is not a long term solution. For example, the cameras in Tenterden were manufactured by a company that went out of business several years ago. Replacement parts will not be available soon. Officers are exploring options for a replacement programme, which will use web servers to transmit the majority of the data.
20. In terms of the cameras in Tenterden, these incur very high costs to transmit the images via BT fibre links to the monitoring centre. By upgrading these cameras, we will be able to drastically reduce the annual costs associated with this, making the payback period relatively short.
21. The cameras are monitored from the Ashford Monitoring Centre in the Civic Centre, which also provides a range of other services including:
 - Operation of the Lifeline scheme (around 2,300 private clients).

- Call handling for the Council from 4pm Monday to Friday, throughout the weekends and Bank Holidays).
- Council emergency calls.
- Emergency centre facility.

22. The proposed CCTV strategy is contained in Appendix D.

Options for CCTV provision

23. On the proviso that members reaffirm a commitment to the importance of maintaining CCTV services, the CCTV strategy needs to consider how the council and local partners can achieve best value by enhancing efficiency and effectiveness. The options are as follows:

- a) Do nothing and continue as we are
- b) Outsource CCTV provision
- c) Develop services through business growth

(a) Do nothing and continue as we are

24. Maintenance and replacement costs of equipment will continue to rise. Currently the CCTV maintenance budget is £10,000 per annum, but this has proved insufficient in 2015 requiring Management Team to authorise an extra £10,000 of expenditure to replace broken cameras. We currently use nine collectors (remote storage digital video recorders) to process the images and each of these cost £5,000 to replace, and with almost all of these units being over 10 years old the likelihood of these needing replacement soon is high.

25. It is expected the costs for replacement will increase significantly in the next few years, as more cameras, transmitting equipment, receivers and other supporting equipment fails due to the age of the equipment.

26. If the Council continues to operate the monitoring centre as it does any opportunity to benefit from transmission cost savings will be lost (explored further later in the report).

27. The capacity to develop the CCTV business, which could bring in significant income, will be curtailed if no investment is made in a single operating platform that will allow the multitude of systems to be consolidated into one system.

(b) Outsource CCTV provision

28. In 2012 Medway Control Centre were approached to explore the option of Medway providing CCTV and Lifeline monitoring. In November 2013 Management Team decided not to pursue the option of outsourcing preferring to give the new service managers an opportunity to demonstrate the development opportunities.

29. Outsourcing CCTV monitoring would affect other operations including:
- the Council's Lifeline services, which currently provides a 24 hour instant response to 2300 users at the touch of a button.
 - Out of hours call handling for the Council from its tenants and from the public in emergencies.
30. While the proposal is out of date and the costs were approximate, they indicate that the Council would not save money by outsourcing, as many of the costs associated with operating a monitoring centre would remain. Indeed preliminary calculations indicate a significant budgetary pressure on the general fund if CCTV and Lifeline was outsourced. In addition camera replacement and maintenance costs would remain the responsibility of Ashford Borough Council and a capital replacement plan would be required to maintain CCTV services.

(c) *Develop services through business growth*

31. Increasingly and in particular given the current financial context, local authorities are considering business development and consolidation through the shared services agenda, and the potential for savings to be made. This is in evidence already in Ashford, where local partners, Hythe Town Council and Folkestone Town Council, have chosen Ashford Monitoring Centre to monitor the CCTV cameras in their areas. This provides real value to communities and gives opportunities for further coordination.
32. In addition to the leads currently being explored, new opportunities are being unearthed on a regular basis. These are as a result of the ongoing and proactive activity that is taking place, targeting CCTV installers, councils, schools and private commercial clients.
33. In terms of CCTV installers, the monitoring centre currently monitors cameras on behalf of three security companies and have a number of other current quotes in place that we will hear about shortly. CCTV installers are the main market for commercial monitoring companies, so it is accepted that it is a key market moving forward and one that needs to be consistently engaged with.
34. The monitoring centre revenue will be affected by the will of our neighbouring local authorities to cut their CCTV monitoring costs. Taking on the monitoring from another Kent district would significantly increase the revenue generated and this will be explored with our neighbouring authorities should this option be approved.

Investment in business development

35. Following Management Team's decision in November 2013 to combine the work of the community safety unit and the monitoring centre, the staffing structure was revised and vacant positions were recruited to. Progress finding new business for the monitoring centre was, however, delayed by the

discussions with Shepway District Council about a possible combination of the two monitoring centres. Permission to recruit a Business Development position was finally agreed in July 2014 with the engagement of specialist CCTV business development consultant on a part time basis.

36. Upon commencing work on business development it was clear that systems and procedures for bringing in new business did not exist. As a result, it was necessary to develop new procedure for quoting, pricing structures, along with monitoring agreement forms, quotation forms and protocols. The website was updated and contact was made with a number of companies that install CCTV equipment across Kent.
37. The AMC has been actively increasing its commercial business and income over the last year. During this time, the number of cameras monitored has increased from 126 (annual revenue £5,000) to nearly 300 (with secured annual revenue from for 2016/17 at £90,000).
38. The downside of this growth has been the technical difficulties of bringing in new CCTV sites with systems we have not previously monitored. This has resulted in a multitude of operating systems that are monitored via independent PCs, with no uniformity and certain limitations that do not allow us to compete with commercial monitoring centres. Over the past year, we have introduced new operating platforms into the monitoring centre which we were previously incapable of monitoring - these include Hikvision, IDIS and Pelco.
39. The centre currently operates CCTV monitoring through seven different systems and the lack of a single operating system has caused significant challenges and delays in terms of getting new sites into the monitoring centre. To use an analogy, it is similar to using one PC for sending emails, one for editing Word documents, another to use the internet, another to access e-financials, etc. A couple of commercial opportunities have been lost as a consequence of not having a single operating system; moreover a significant amount of time has been spent dealing with the technical issues of running multiple platforms.
40. Another challenge has been for the operators. New systems have been introduced and the task of providing suitable operator training for each of these has proven difficult. The recently implemented staffing changes to the structure of the monitoring centre will assist in the training and operation of new systems.
41. To address the problem of multiple platforms it is proposed to install a single standardised CCTV monitoring platform that will allow the multitude of systems we currently have to work with to be consolidated into one application. Commercial monitoring centres, along with many other local authorities, adopt a single platform approach due to the significant competitive advantages it provides. Implementing such a solution will provide the following benefits:

- Enable the monitoring centre to grow without the necessity to increase the number of operators, thus increasing profitability.
 - Ease of use for operators; a single, as opposed to multiple, platform.
 - Seamless integration for new sites being monitored; no need to add additional PCs and learn new systems.
 - Improved incident management.
 - Professional reporting and monitoring.
 - Increased customer satisfaction.
 - System flexibility and efficiency gains.
 - Allow for system demonstrations and open-days for security installers; the monitoring centre will have a strong platform to compete favourably against commercial monitoring centres.
 - CCTV consultant efficiency gains by freeing up time spent resolving problems.
 - Improved system will present more opportunities for positive PR.
42. As stated above a proposed a single operating platform as used by commercial centres will provide efficiency gains and allow the AMC to provide a superior service to a greater number of clients.
43. It is possible for public space CCTV surveillance to be self-financing and even provide a return on investment, when it is combined with private CCTV monitoring.

Proposals

44. Several CCTV single monitoring platforms have been explored and it is proposed to invite a number of providers to tender. This will consist of two parts, the CCTV monitoring software and the physical hardware used to run this (servers and PCs).
45. The servers and PCs will be procured through ABC's IT department to reduce the overall cost and to ensure that on-going support can be provided.
46. In terms of the CCTV upgrades for Ashford and Tenterden, this will comprise:
- Replacement of 79 CCTV cameras, although all locations will be reviewed and will reflect the development of both urban areas.
 - Replacement of switches and recording equipment.
 - Replacement of multiplexers and video matrix, providing the ability to view the images on screens.

Financial Implications

47. Do nothing – expenditure is likely to increase gradually over the next few years due to maintenance, at some point investment will be required to maintain the service as cameras are nearing the end of their lives. It will also remove opportunities for further income from new business.

48. Outsource of Services –the outsourcing of lifeline and CCTV would generate a significant budgetary pressure for the Council (as based on quotes received in 2012 from Medway Monitoring Centre and current competitive lifeline charges). Capital camera and back office replacement would remain the responsibility of the Council.
49. A capital investment of £250,000 is proposed made up as follows:
- £50,000 is the cost of the single operating system that is required to further develop CCTV monitoring business.
 - £200,000 is the cost of completely replacing the cameras in Ashford and Tenterden, as well investing in new back office technology that will receive the images, process them and permit operators to view the images. Camera locations will each be individually assessed to reflect need and the developments in both Ashford and Tenterden public spaces.
50. It is estimated that current transmission costs of around £25,000 per annum could be saved as a consequence of the CCTV replacement proposal. This would mean a return of investment of around eight years, although this would be accelerated through increased commercial business and income. There is greater potential for income exceeding the current target by an estimated £30,000 per annum, reducing the return on investment to around 5 years on the entire project.
51. Repair costs are slightly harder to quantify but in the current year expenditure has equalled around £10,000. However, it is not unreasonable to expect the annual maintenance costs to double over the next five years in light of the age and type of equipment still in use. To give Members an idea an additional £10,000 above the maintenance budget was spent in 2015/16 to replace a number of failed cameras and the wireless transmission links are also in need of an upgrade as they are now obsolete.

What will it cost?

One off revenue/Capital costs	
New CCTV monitoring platform software	35,000
Hardware costs for CCTV monitoring platform	15,000
Total Capital cost – CCTV monitoring platform	50,000
PTZ cameras (Ashford and Tenterden)	120,000
Static cameras (Ashford)	7,000
DVRs and switches (Ashford)	16,000
DVRs, switches and wireless transmission (Tenterden)	12,000
Labour and contingency	45,000
Total Capital cost – replacement CCTV systems	200,000
Total Cost	250,000
Revenue costs (annual costs associated with the project)	

On-going costs of monitoring platform	10,000
Total Annual Revenue cost	10,000
Future income generated (annually)	
Increase in AMC revenue	30,000
Annual savings on current fibre costs	25,000
Total Annual income	55,000

52. The current camera maintenance budget is £10,000 per annum. It is proposed that this money is invested into a camera maintenance contract.

Implementation

53. Over the past few months, various CCTV operating systems have been reviewed to ensure that our individual needs, namely monitoring public space and private, alert-driven sites, can be met.
54. The CCTV upgrades of Ashford and Tenterden would be tender-based projects with the underlying system requirements clearly specified to ensure appropriate solutions were quoted for.
55. It is anticipated that project implementation will be managed in the service and the consultant without detriment to other priority work. Project management training will be required for the Operation Managers and Legal Services and IT support will need to be secured. Assistance on the procurement will be required from Procurement Officer.

When will the project be delivered?

56. The priority is for the implementation of a centralised platform for monitoring the current CCTV systems at £50,000, this will allow the monitoring centre to further develop its income streams.
57. This will allow more flexibility in terms of the proposed upgrades for Ashford and Tenterden as a variety of CCTV equipment could be explored, including the competitively priced but market-leading Hikvision systems favoured by many local authorities. It is proposed that this investment is made in one phase, but there are options to phase it over two years if this made financial sense (one operating platform, Tenterden cameras, switches, recording equipment and multiplexers in the first year and Ashford cameras in the second).

What are the risks, issues and restraints?

58. The equipment cannot be procured at the amount proposed or to meet the required standards. Work has been undertaken to over the last six months to check the plausibility of both the standards required and the likely costs.

59. The income levels proposed are unrealistic. In the past 12 months we have demonstrated there is an income opportunity, from commercial sites and from public organisations. Income projections for the amount we can bill for 2016/17 already stand at £63,000. There is a public space contract worth £290,000 up for tender in 2016.
60. CCTV is not seen as a priority. Recent public surveys have indicated that feeling safe and continuing to feel safe are key attributes and desires of the people of the borough. CCTV contributes to our continued drive to reduce anti-social behaviour and we now have the lowest ASB rates in the county. As other resources in the community reduce and equipment costs reduce, remote monitoring is becoming one of the few affordable options.

Compliance and the Protection of Privacy

61. The use of CCTV in public spaces limits the control that the public have over whether or not their images are captured and stored. It is therefore incumbent upon those operating such systems to ensure that they comply fully with all legislative requirements relative to the use of CCTV and that it enjoys the widest possible public support and confidence.
62. Public authorities and organisations wishing to operate CCTV functions within a public space are required to observe the obligations imposed by the Human Rights Act 1998, the Data Protection Act 1998 (DPA), and the Regulation of Investigatory Powers Act 2000 (RIPA). Consideration must be given to whether the use of CCTV within an area is necessary, proportionate and compliant with legislative requirements, in both its purpose and application.
63. The Data Protection Act assumes that the collection of data has been lawfully achieved. RIPA controls the use of covert surveillance, and while it is recognised that public space CCTV systems are not routinely used in this manner, it should be noted that the specific use the system is put to, not whether cameras are visible, is the key issue in determining whether their use is covert.
64. While CCTV systems are not directly regulated as such, the personal information contained in the images captured by them is regulated by the Data Protection Act (DPA). The Information Commissioner is the regulator for the DPA, and as such published the latest version of the Code of Practice on CCTV in 2014.

Handling

65. The procurement for both the monitoring platform software and the supply and installation of the CCTV cameras will follow the procedure detailed in the Council's Standing Orders.
66. As the estimated cost of each project is over £15,000 an opportunity will be advertised on the South East Business Portal inviting quotations. In addition an advert will be placed on the Government website 'Contracts Finder' as the

value of each project is over £25,000. The Kent Invicta Chamber of Commerce will also be notified.

67. Best practice recommends a minimum of at least four weeks should be allowed for submission of bids.
68. The procurement documentation will explain how the bids will be evaluated and clearly define how the bidder's response to price and quality aspects will be assessed. Bid evaluation will be undertaken out by not less than two officers, and will be carried out in an objective, equitable and accountable manner in accordance with the award criteria set.
69. Following evaluation all bidders will be notified simultaneously and as soon as possible of the intention to award the contract to the successful tenderer, stating the award criteria, ranking of the bidder in the evaluation, the name of bidder who submitted the most favourable bid, the prices and quality assessment, and the relative benefits of the most favourable tender if appropriate. A standstill period of 10 days will apply before a contract is signed, giving bidders the opportunity to raise any queries about the process.
70. Information regarding the outcome of the award will be published in the Contracts Registered access via the council's website.

Community Impact Assessment

71. It is not necessary to undertake a community impact assessment at this point in time. The services are open to all.

Other Options Considered

72. The options are explored in the report.

Implications Assessment

73. The implications are explored within the report.

Conclusion

74. On the assumption members reaffirm a commitment to the importance of continuing with maintaining CCTV services the proposed CCTV Strategy will support a more cost efficient and technologically sound basis to support the council's robust approach to addressing anti-social behaviour, crime and disorder. It would contribute to a safer night time economy and help protect the well-planned and well-resourced infrastructure. It will help safeguard our communities and assist in the development of thriving and vibrant town centres. It will aim to reduce the council taxpayer subsidy through investing in updated technology. This will put the Council in a positive to attract even more third party contracts and develop its capabilities as a centre providing monitoring excellence in Kent.

Portfolio Holder's Comments

75. To be advised at the Cabinet meeting.

Contacts: james.hann@ashford.gov.uk

Appendices

Appendix A: Use of CCTV for crime prevention

Appendix B: Research material

**Appendix C: National Automatic Number Plate Recognition (ANPR)
Provision and Mobile Criminals**

Appendix D: Closed Circuit Television (CCTV) Strategy

Appendix A: Use of CCTV for crime prevention

A National Association for the Care and Resettlement of Offenders (NACRO) report¹ summarised some of the assumptions behind the use of CCTV for crime prevention purposes:

- **Deterrence** - The potential offender becomes aware of the presence of CCTV, assesses the risks of offending in this location to outweigh the benefits and chooses either not to offend or to offend elsewhere.
- **Efficient deployment** - CCTV cameras allow those monitoring the scene to determine whether police assistance is required. This ensures that police resources are called upon only when necessary.
- **Self-discipline by potential victims** - They are reminded of the 'risk' of crime, therefore altering their behaviour accordingly by potential offenders. The threat of potential surveillance (whether the cameras are actually being monitored may be irrelevant) acts to produce a self-discipline in which individuals police their own behaviour. CCTV camera may produce self-discipline through fear of surveillance, whether real or imagined.
- **Presence of a capable guardian** - The 'Routine Activity Theory' suggests that for a crime to be committed there must be a motivated offender, a suitable target and the absence of a capable guardian. Any act that prevents the convergence of these elements will reduce the likelihood of a crime taking place. CCTV, as a capable guardian, may help to reduce crime.
- **Detection** - CCTV cameras capture images of offences taking place. In some cases this may lead to punishment and the removal of the offenders' ability to offend (either due to incarceration, or increased monitoring and supervision).

¹ NACRO – Community safety briefing – To CCTV or not to CCTV – a review of current research into the effectiveness of CCTV systems in reducing crime, R. Armitage, 2002.

Appendix B: Research material

Campbell Systematic reviews, *Effects of Closed Circuit Television Surveillance on Crime*, December 2008

Brandon C. Welsh David P. Farrington, *Closed-Circuit Television Surveillance and Crime Prevention A Systematic Review*, Report prepared for The Swedish National Council for Crime Prevention, 2007

Martin Gill et al, *The impact of CCTV fourteen case studies*, Online report, 2005

Martin Gill and Angela Spriggs, *Assessing the impact of CCTV*, February 2005

Brandon C. Welsh and David P. Farrington, *Crime prevention effects of closed circuit television: a systematic review*, August 2002

Chatterton, MR and Frenz, SJ (1994) 'Closed Circuit Television: It's Role in Reducing Burglaries and the Fear of Crime in Sheltered Accommodation for the Elderly', *Security Journal* 5 (3): 133-139

Brown, B (1995) *CCTV in Town Centres: Three Case Studies* (Police Research Group Crime Detection and Prevention Series Paper 68), HMSO

Mahalingham, V (1996) 'Sutton Town Centre Public Perception Survey' in Bulos and Grant (1996)

Appendix C: National Automatic Number Plate Recognition (ANPR) Provision and Mobile Criminals

As enquiries into serious crime increasingly feature vehicles crossing police force, local authority and national boundaries, ANPR is a tool that can assist police to detect, deter and disrupt such criminality. Through the application of linked response strategies the police can reduce the harm to communities. ANPR can provide the police with live information on criminals' movements, and allow them to respond accordingly, or allow them to investigate criminals' prior movements. Kent Police installs and monitors the ANPR cameras in use across the county.

Appendix D: Closed Circuit Television (CCTV) Strategy

Strategic Level

- A review of public space CCTV camera locations should be undertaken, in collaboration with appropriate partners, assessing current infrastructure against demands and outputs.
- All current legislative requirements and the code of practice on standards should be reviewed and actively promoted amongst system owners and users.
- The monitoring centre should establish a standard set of performance information, which they should hold and regularly update to allow for service monitoring and performance reporting. Performance data should be accessible to partners and the wider community. This performance information will enable monitoring against local outcomes such as crime reduction, safer trading areas and other outcomes.
- Engagement with accrediting bodies, such as the National Security Inspectorate (NSI). Certification and accreditation should be an on-going process that encourages continuous improvement with a focus on customer satisfaction whilst supporting our organisation's goals. By achieving certification and accreditation standards, we enhance our confidence in the knowledge that our systems are working efficiently and meet international standards of excellence.

Managerial Level

- As part of their statutory responsibilities service the monitoring centre should engage with other regulatory bodies to address any Data Protection Act (DPA) compliance issues.

Operational Level

- Local police operational liaison and briefing for CCTV operators should be reviewed and where appropriate improved and standardised for consistency purposes.
- Investment should be made in replacement cameras following a strategic review of camera locations, taking into account use of cameras and the growth of the borough.
- Investment should be made in the back office operating system to gain maximum benefit from new technologies and to reduce the costs of transferring image data.
- Investment should be made in a single operating platform to facilitate the continued development of income generation.

Local Plan & Planning Policy Task Group

Notes of a Meeting of the Local Plan & Planning Policy Task Group held on the **10th February 2016**.

Present:

Councillor Clarkson (Chairman);
Councillor Bennett (Vice-Chairman);

Cllrs. Mrs Blanford, Britcher, Clokie, Galpin, Heyes, Michael, Shorter, Wedgbury.

Also Present:

Cllrs. Mrs Bell, Burgess, Hicks, Sims, Smith.

Simon Cole – Head of Planning Policy and Economic Development; Daniel Carter – Principal Policy Planner; Danielle Dunn - Policy Planner; Catherine Hughes – Planning Consultant; Ashton West – Graduate Intern; Jennifer Shaw - Housing Strategy Manager; Dave Jeffrey - Housing Enabling Officer; Jeremy Baker – Principal Solicitor (Strategic Development); Rosie Reid – Member Services & Scrutiny Support Officer.

1 Declarations of Interest

- 1.1 Councillor Clarkson made a Voluntary Announcement that he was a Director of A Better Choice for Property Ltd.
- 1.2 Councillor Shorter made a Voluntary Announcement that he was a Director of Kent Play Clubs and A Better Choice for Building Consultancy Ltd.
- 1.3 Councillor Galpin made a Voluntary Announcement that he was a resident of the Town Centre, which would be discussed during items on the agenda.

2. Notes of the Local Plan and Planning Policy Task Group Meeting held on 13th January 2016

- 2.1 The Task Group Members agreed that the Notes of the Local Plan and Planning Policy Task Group Meeting held on 13th January 2016 were an accurate record.

3 Local Plan to 2030 – Gypsy & Traveller Accommodation – Draft Site Allocations and Windfall Site Policy

- 3.1 The Policy Planner introduced this item. She reminded the Task Group that 27 further pitches were needed in Ashford Borough between 2016 and 2030, and a shortlist of potential sites for allocation had been provided for discussion by the Task Group. She explained that the sites would be put out to consultation with the public in due course, and so the list agreed for consultation at today's meeting would not necessarily be the final list of sites

in a Submission version of the Local Plan. Additional suitable sites could also come forward through the public consultation process.

- 3.2 The Task Group discussed the eight potential sites on an individual basis, and considered that three of them should be taken forward to consultation as draft site allocations.
- 3.3 The Policy Planner reminded the Task Group that a maximum of 5 pitches per site had been agreed at the Task Group meeting on 13th January. One Member noted that this was not mentioned in Appendix 2, but the Policy Planner explained that it was covered by Appendix 1 and was therefore applicable to Appendix 2 as well.
- 3.4 A Member said that with regard to sewage disposal, the Environment Agency did not recommend cesspits due to their potential for contamination. The Head of Planning Policy and Economic Development (HoPP&ED) said this could be covered in the supporting text to the proposed policy.

Resolved:

The Local Plan and Planning Policy Task Group:

- i) **Agreed that 3 sites were suitable for allocation in the draft Local Plan and the number of pitches that should be provided on each of these sites;**
- ii) **Agreed that the detailed site policies would be circulated and agreed by email;**
- iii) **Endorsed the wording of the draft policy 'Safeguarding existing Gypsy, Traveller and Travelling Showpeople sites' and agreed the amended Windfall Policy.**

4. Local Plan to 2030 – Draft Affordable Housing and Local Needs Housing policies

- 4.1 The HoPP&ED introduced this item and said that the Affordable Housing policy was a cornerstone policy within the Local Plan. There were various key issues which needed to be considered in developing a new policy:
 - The current model of delivery and desirable changes;
 - Evidence of the need for affordable housing;
 - Proportion of future affordable housing requirement;
 - The need to deliver all forms of current affordable housing;
 - Viability of any requirement placed on the development industry.
- 4.2 The HoPP&ED explained that the policy would seek three different affordable housing percentages across three different geographical areas of the Borough. In the Town Centre, where it was difficult to provide affordable housing for viability reasons, the draft policy suggested that developers would not have to contribute to affordable housing, except through any future

mandatory government requirement such as the provision of starter homes. In the rest of the Ashford urban area, a minimum of 30% affordable housing was suggested, as this was consistent with the core strategy target, and could apply to schemes of 11 dwellings or more. In rural areas the Council would seek the provision of subsidised affordable housing at a minimum of 40%, again on schemes of 11 dwellings or more. In the cases of urban and rural developments, starter homes would be provided in a percentage consistent with government guidelines.

4.3 The Chairman opened up the item for discussion and the following points were raised:

- A Member asked whether the Council would have the ability to challenge matters of viability. The HoPP&ED advised that the Council would seek advice from a viability consultant. This was covered in the policy paragraph which referred to 'independently verified viability evidence'.
- In response to a question about possible deferred contributions, the HoPP&ED explained that the Council currently applied a deferred contributions policy if it appeared that a developer could not deliver affordable housing or other S106 requirements. This policy was considered sound, on the basis that where sales values increased above an agreed threshold, contributions would then be received by the Council in due course.
- Members discussed whether developers in the Town Centre should pay contributions to affordable or starter homes outside the Town Centre. The HoPP&ED advised that it was unlikely that development in the Town Centre would be able to deliver affordable housing on-site or make payments towards off-site provision. It was important not to frustrate Town Centre development coming forward, and the policy towards Town Centre contributions had been drafted with this in mind. The HoPP&ED said it would be possible to tweak the policy to allow the Council to take some payment, which could be determined on a case by case basis. He advised that the policy might have to be re-worded anyway as it was written before government guidelines had been released.
- A Member raised the difficulty of providing executive homes in light of the ½ hectare condition. The HoPP&ED advised that there were two options: either using off-site contributions, or allocating specific sites for executive developments.

4.4 With regard to the Local Needs Housing policy, the HoPP&ED said that this had been a very successful policy over many years, and it seemed right not to alter it too much. At the moment it was unclear whether it would be mandatory to stipulate a local connection with regard to starter homes, but this may become clearer when the Housing & Planning Bill was passed. The HoPP&ED emphasised that this new policy was based on current knowledge and may need to be varied depending on forthcoming government decisions.

Resolved:

Subject to the points raised at the meeting, the Task Group Members agreed the draft policies presented for inclusion in the Local Plan 2030, accepting that they may need to be reviewed prior to the formal submission of the Local Plan, once the regulations that support the Housing and Planning Bill had been set out.

5. Local Plan to 2030 – Draft Parking Standards policy

- 5.1 The Principal Policy Planner introduced this item. He advised that the new policy proposed a move from a maximum to a minimum approach in all locations. However, the difficulty lay in determining exactly what the minimum standard should be. Factors that needed to be taken into account included space restrictions in the Town Centre, and viability concerns. It was proposed to adopt a minimum parking standard of 0.75 spaces per dwelling as an average in the town centre area.
- 5.2 The Chairman opened up this item for discussion and the following points were raised:
- Members were unanimous in wishing to see a minimum parking standard of 1 space per dwelling and did not accept the figure proposed in the draft policy. Members discussed the need to provide sufficient parking to include visitors, children of driving age and any grandparents living in the family home who also had a car. The HoPP&ED pointed out that two important future Town Centre developments were proposing 0.78 and 0.7 spaces per dwelling. This needed to be taken into account when drafting the policy because it was important not to frustrate schemes which were currently coming forward. Members considered that good parking standards were crucial and represented the greater good for most people. They considered that it could be preferable to turn down development opportunities than to create more problems in the future by allowing unsatisfactory standards to be applied. The Principal Policy Planner asked whether Members would accept 0.25 parking spaces per dwelling provided off site, and this was considered an option provided that 1 full parking space per dwelling off-road was provided, not including shared visitor spaces. The Principal Policy Planner would check the inclusion of visitor spaces.
 - Members agreed that any dwellings with 4 bedrooms or more should have 3 parking spaces each and that all 2 bed flats should have 2 parking spaces each.
 - One Member called for a revised definition of the Town Centre for the application of parking standards. It was accepted that different parking standards might apply to the core Town Centre than to the outer Town Centre areas.

- A Member suggested that there should be a separate SPD for lorry parking, but the Chairman said this was a complex topic which needed to be deferred to a future meeting.
- There was some discussion about the potential for using multi-storey car parks to provide designated spaces for residents of nearby Town Centre dwellings.
- Members considered that commercial companies should be encouraged to allow their staff to park free at their offices to prevent staff parking on nearby roads and thus taking up road-side parking. It was also considered that there was currently insufficient off-road parking in industrial estates.
- A Member asked why goods vehicle requirements were not included in the table showing proposals for parking standards for non-residential developments in the Borough. The Principal Policy Planner explained that this information was included in Kent County Council's SPD on non-residential parking standards. Members asked for goods vehicle requirements to be included anyway.
- One Member said he was concerned about the lack of loading and unloading facilities for HGV's involved in car deliveries at the Orbital Park. He considered that turning and unloading facilities should be provided on commercial premises to reduce the risk to the public. It was agreed that this issue should be discussed at a future meeting.
- In response to a number of comments, the HoPP&ED clarified the limitations of the new policy, which could not:
 - Solve existing problems;
 - Deal with driver behaviour;
 - Deal with car ownership
 - Control developments and conversions which did not require planning permission.

Resolved

Members of the Task Group agreed the content of the draft policy, subject to the amendments referred to above.

6 Response to DCLG consultation on proposed changes to national planning policy

- 6.1 The HoPP&ED reminded Task Group Members that they should write to him with any comments on the draft Council response to the DCLG consultation.

7 Dates of Next Meetings

- 7.1 The Principal Solicitor (Strategic Development) reminded Task Group Members that the discussions held at the meeting and the contents of the

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Agenda papers remained confidential, and that the new draft Local Plan would be published for public consultation in due course.

7.2 The dates of the meetings to the end of the current Municipal Year would be: -

All at 2pm

Thursday 25 February 2016

Wednesday 9 March 2016

Wednesday 13 April 2016

Councillor Clarkson (Chairman)
Local Plan & Planning Policy Task Group

Queries concerning these minutes? Please contact Rosie Reid:
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Local Plan & Planning Policy Task Group

Notes of a Meeting of the Local Plan & Planning Policy Task Group held on the **25th February 2016**.

Present:

Councillor Bennett (Vice-Chairman in the Chair);

Cllrs. Britcher, Clokie, Galpin, Michael, Shorter, Wedgbury.

Apologies:

Cllr Clarkson; Simon Cole.

Also Present:

Cllrs. Burgess, Hicks.

Ian Grundy – Principal Policy Planner; Ashley Taylor – Principal Policy Planner; Daniel Carter – Principal Policy Planner; Katy Wiseman – Policy Planner; Dave Jeffrey - Housing Enabling Officer; Rosie Reid – Member Services & Scrutiny Support Officer.

1 Declarations of Interest

- 1.2 Councillor Shorter made a Voluntary Announcement as he knew the doctor who previously used the old surgery at Appledore.

2. Notes of the Local Plan and Planning Policy Task Group Meeting held on 10th February 2016

- 2.1 The Task Group Members agreed that the Notes of the Local Plan and Planning Policy Task Group Meeting held on 10th February 2016 were an accurate record.

3 Local Plan Site allocations – Draft Site Policies

- 3.1 The Principal Policy Planner (IG) introduced this item. He said this was the first detailed set of site policies seen by the Task Group and that other sites would be coming to future meetings for discussion. He stressed that these were draft policies, which could be amended prior to publication. As they were going into the draft Local Plan, there would also be further opportunity for amendments after public consultation. He confirmed that the site policies had been circulated to all relevant ward members.
- 3.2 Members discussed the draft site policies put forward in the report. They requested that any draft rural site policies submitted to the Task Group at future meetings should clearly indicate the views of the relevant Parish Council

- 3.3 The Principal Policy Planner said that the Policy Planner (KW) was leaving the Council after 11 years in the Policy Team. During that time she had been involved in working on the various DPDs, including the detailed site policies, and had done specific work on sustainable development. Members thanked her for all her hard work and her contribution towards policy development.

Resolved

The Local Plan and Planning Policy Task Group agreed the draft site policies set out in the report for inclusion in the Draft Local Plan.

4 Dates of Next Meetings

- 4.1 The dates of the meetings to the end of the current Municipal Year would be: -
- | | | |
|------------------------|------|-----------------|
| 9 th March | 2pm | Council Chamber |
| 31 st March | 10am | Council Chamber |
| 13 th April | 2pm | Council Chamber |
| 29 th April | 10am | Council Chamber |

Councillor Bennett (Vice-Chairman in the Chair)
Local Plan & Planning Policy Task Group

Queries concerning these minutes? Please contact Rosie Reid:
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NOTES OF THE TOWN CENTRE REGENERATION BOARD

27th January 2016

Attending: Cllr Gerry Clarkson (Chair)
Cllr Graham Galpin
Cllr Noel Ovenden
Cllr Neil Shorter

John Bunnett – JB
Tracey Kerly – TK
Andrew Osborne – AO
Jo Fox – JF
Charlotte Hammersley – CH
Stewart Smith – SS
Steve Parish – SP
Dean Spurrell – DS
Richard Alderton – RA
Amy Lillington
Ashton West
Rosie Reid – minutes

<p>1. Declarations of Interest</p> <p>Cllr Clarkson made a Voluntary Announcement that he was a Director of A Better Choice for Property Ltd.</p> <p>Councillor Shorter made a Voluntary Announcement that he was a Director of Kent Play Clubs and A Better Choice for Building Consultancy Ltd.</p> <p>John Bunnett made a Voluntary Announcement that he was a Director of A Better Choice for Property Ltd and A Better Choice for Building Consultancy Ltd. He also declared an interest in respect of the Conningbrook Site item, but the Board agreed that that it was not necessary for him to leave the room for the discussion. It was considered that there would be no conflict of interest as it was only an update that was being provided.</p> <p>Tracey Kerly made a Voluntary Announcement that she was a Director of A Better Choice for Property Ltd.</p>	
<p>2. Notes of the Meeting held on 16th December 2015</p> <p>The Notes of the Meeting held on 16th December 2015 were agreed as a correct record.</p>	

3. Update Report on Prioritised Projects

a) The Commercial Quarter

SS introduced the Update Report and ran through the information relating to the Commercial Quarter. Councillor Galpin advised that he had received a letter from the one of the tenants indicating that they may wish to request an extension to the lease. The Board agreed that an extension was not desirable as it would delay development of the digital hub. SS to explain to the tenant and look separately at their terms of tenancy in Park Mall.

SS
SS

The Board noted that Recommendation 6.1.3 of the Update Report should refer to Ashford Youth Theatre. The Board also noted that the funding requested under recommendation 6.1.4 of the Update Report was already in the budget and allocated from committed funds for this project.

b) Conningbrook

SS ran through the Update Report. He confirmed that he had been advised that agreement between the landowner and residential developer would be concluded in February. In response to a question on Recommendation 6.1.5 of the Update Report, SP advised that the Employers Agent would act as a project overseer in legal and planning terms. He confirmed that whoever was appointed for the role would have appropriate professional indemnity. He would also ensure that an individual surveyor was appointed to avoid ransom strip risk. JB confirmed that the £20,000 funding would come from new funds. NS stressed the need for independent valuation advice in relation to the pub/hotel offer.

c) Elwick Place

JB went through the Update report and advised that the hotel lease had been signed and negotiations with the cinema operator were progressing well. Agreements with the eateries were also nearing conclusion. Under the Council's lease with the developer it would be agreed that the Council would pay rent for use of the car park but retain income from the parking spaces. Income figures were based on assumptions extrapolated from other locations in town, such as the Vicarage Lane car park. JF explained that much of the car parking income was from short stay fees and the Council was keen to encourage this kind of usage..

d) Northdown House

SS went through the Update report and the Board agreed that it was undesirable for this key property to remain vacant.

Resolved:

i. That the Board as an amendment to the previously agreed

Phase 1 Commercial Quarter Office Build approve to the freehold transfer of the smaller parcel of land identified in Plan B, rather than that identified in Plan A, on the same terms as previously agreed and also to the long leasehold disposal (999 years at a peppercorn rent) of the land identified on Plan C on the condition that this land is leased only for the purpose of car parking and that a right is reserved to the Council to develop the land for additional car parking should it so wish at any point during the term of the lease.

- ii. That the Board approve the service of notice on Ashford Youth Theatre to terminate the lease of the premises it occupies on Dover Place on 3 May 2016 and no sooner so as not to jeopardise the Youth Theatre's performances scheduled for March/April 2016.**
- iii. That the Board approve the spend of up to £50,000.00 on the demolition of Ashford Youth Theatre and surrounding ancillary structures and buildings once vacant possession is secured.**
- iv. That the Board approve the spend of up to £25,000 on professional fees in respect of works to be carried out in relation to the development of both the Ashford Furniture Gateway site (Ashford Digital Hub) and the Ashford Youth Theatre site (Ashford Goods Yard).**
- v. That the Board approve the appointment of an Employers Agent to act in respect of the works required at Conningbrook at a cost of no more than £20,000 per year over two years.**
- vi. That the Board agree to enter in to a 25 year and 3 month lease with the developer for the public car park within the Elwick Road site on the basis of Heads of Terms to be agreed.**
- vii. That, in relation to the Elwick Rd development, the Board note the due diligence required to be carried out to consider the viability of acquiring the freehold investment of both the commercial and residential parts of the development and of providing capital finance and that the Board delegate to the Head of Corporate Property and Projects the authority to appoint consultants necessary to carry out the due diligence required at a spend of up to £50,000. The findings from that due diligence together with full financial modelling is to be reported back to the Board once completed.**
- viii. That the Board are reminded of the need for the Chief Executive in consultation the Leader to use his delegations to acquire the land from KCC which is required to facilitate**

<p>both the Elwick Road and Commercial Quarter projects.</p> <p>ix. That the Board review the position in relation to Northdown House</p>	
<p>4. Land at Riverside Close, Kingsnorth and the Principle of Giving Land to Parish Councils</p> <p>SS introduced the report, which he said dealt with 2 issues:</p> <ul style="list-style-type: none"> • the general principle of the Council gifting land to Parish Councils; • the Council had recently identified land at Kingsnorth for housing purposes. However, the land had subsequently been designated as a village green, which had suffocated any plans to develop there. This report requested whether the Council was content to pass over the land to Kingsnorth Parish Council, who wished to take over the maintenance and upkeep of the village green. <p>The Board considered that parish residents would benefit from the Parish Council managing the land, and agreed that the land could be rented to the Parish Council at a nominal rent, with a break clause in the event of the land becoming redesignated.</p> <p>The Board agreed that each application from Parish Councils should come to the Board and be judged on its individual merits.</p> <p>Resolved:</p> <p>i) That the land at Riverside Close be leased to KPC for 99 years at a peppercorn rent, that use be restricted to public amenity use in keeping with its designation as a village green and that there should be a landlord only break clause exercisable in the event that the land ever loses village green status. There should also be a requirement to maintain the land to the reasonable satisfaction of the Council.</p> <p>ii) That any Parish Council application to acquire small recreational rural areas should come before the Board for consideration on a case-by-case basis.</p>	
<p>5. Update of The British Volunteer Pub</p> <p>JB advised that the British Volunteer Pub had come onto the market. The Council had given some consideration to its potential for use as a short-term accommodation unit, but had decided not to pursue the matter further as the Council's main focus was on the Big 8.</p>	
<p>6. Update on the Grounds Maintenance Depot Purchase</p> <p>SS said that a suitable piece of land had been identified, and meetings with the owner would take place shortly.</p>	

7. ABC Project Management Programme

CH introduced this item. She said she had been tasked with developing a programme to deliver the Council's priorities, and she was in discussions with officers to determine key projects and resources. She considered that more rigour was needed regarding project development in the Council, and she intended to introduce more structure, discipline and consistency into the method of selection of competing projects. She proposed using a Project Initiation Document to assist with preparatory thinking ahead of decisions.

Queries concerning these minutes? Please contact Rosie Reid:
Telephone: 01233 330565 Email: rosie.reid@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

Agenda Item No: 13
Report To: CABINET
Date: 10TH MARCH 2016
Report Title: SCHEDULE OF KEY DECISIONS TO BE TAKEN
Report Author: Head of Legal and Democratic Services



Summary:	To set out the latest Schedule of Key Decisions to be taken by the Cabinet of Ashford Borough Council.
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Key Decision: NO

Affected Wards: Where appropriate, individual Wards are indicated.

Recommendations : **That the Cabinet receive and note the latest Schedule of Key Decisions.**

Policy Overview: Under The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012, there is no longer a legal requirement to publish a Forward Plan of Key Decisions, however there is still a requirement to publish details of Key Decisions 28 clear days before the meeting they are to be considered at. The Council maintains a live, up to date rolling list of decision items on the Council's website, and that list will be presented to the Cabinet each month, in its current state, for Members' information.

Financial Implications: Nil

Other Material Implications: Nil

Exemption Clauses: Nil

Background Papers: None

Contacts: danny.sheppard@ashford.gov.uk – Tel: 01233 330349

**CABINET
SCHEDULE OF KEY DECISIONS TO BE TAKEN**

The following Key Decisions will be taken by Ashford Borough Council's Cabinet on the dates stated.

Ashford Borough Council's Cabinet is made up of: - Councillors Gerry Clarkson; Neil Bell; Clair Bell; Mike Bennett; Jessamy Blanford; Paul Clokie; Graham Galpin; Bernard Heyes; Jane Martin; Neil Shorter.

Copies of the reports and any other relevant documents that are submitted to the Cabinet in connection with a proposed decision will be available for inspection, or on screen, five clear days before the decision date at the Civic Centre, Tannery Lane, Ashford and at Tenterden Gateway, 2 Manor Row, Tenterden, during opening hours, or at www.ashford.gov.uk/councillors_and_committees.aspx

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
10th March 2016					
Victoria Park & Watercress Fields Masterplanning and Heritage Lottery Fund Bid	<i>To update on an exciting opportunity to maximise the value of Victoria Park (Corporate Plan Priority 4) through timely and beneficial improvements.</i>	Cllr Mrs Blanford	Mark Carty	Open	26/1/16
Cemetery Memorial Safety Policy	<i>To propose a policy and set of operational guidelines for adoption to manage the forward process relating to the safe management of memorials in Ashford.</i>	Cllr Mrs Blanford	Julie Rogers	Open	17/12/15

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Chilmington Gypsy Site	<i>To set out the position in relation to negotiations with Kent County Council over the future management and ownership of Chilmington Gypsy Site. It will recommend the disposal of Chilmington Gypsy site to KCC for nominal value with some suggested covenants on the land regarding future use and disposal.</i>	Cllr Clokie	Sharon Williams	Open	17/12/15
CCTV Strategy	<i>To present a Closed Circuit Television (CCTV) Strategy for adoption.</i>	Cllr Heyes	James Hann	Open	6/1/16
Procurement of Leisure Facilities	<i>To consider arrangements for future procurement and management of Ashford's leisure facilities.</i>	Cllr Mrs Blanford	Mark Carty	Open	26/1/16
14th April 2016					
Annual Pay Policy Statement	<i>A review of the annual Pay Policy Statement and Ashford Living Wage Allowance.</i>	Cllr Miss Martin	Ian Smith	Open	13/3/15
Safeguarding Policy	<i>Approval of a revised Safeguarding Policy for the Council following recent changes in national policy, most notably the introduction of the Care Act 2014 and national guidance.</i>	Cllr Shorter	Nick Clayton	Open	6/1/16
Publication Draft Local Plan to 2030	<i>To seek approval of the new Local Plan as a basis for wide public consultation for a period of eight weeks.</i>	Cllr Bennett	Simon Cole	Open	15/1/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Affordable Homes Programme Phase 5	<i>To update on the proposed use of HCA monies within the AHP and use of other funding to maximise delivery of affordable housing whilst remaining within our debt cap. The report will also detail the overall cost of redevelopment of the Danemore scheme and seek permission to proceed with an aim to start on site by autumn 2016.</i>	Cllr Clokie	Giles Holloway	Open	15/1/16
Consultation Update regarding Grounds Maintenance Function - Potential Pension Implications		Cllr Mrs Bell	Joy Cross	Open	15/2/16
Elwick Road		Cllr Shorter	Paul McKenner	Open (with Exempt Appendix)	26/2/16
Ashford International Model Railway Education Centre – (AIMREC): Proposed new Major Visitor Attraction	<i>To describe the economic & tourism investment proposal to (a) build an international visitor attraction on the former Klondyke railway works site in keeping with priorities 1, 3 and 4 of the five year corporate plan 2015-2020 and (b) regenerate the former Klondyke railway works site.</i>	Cllr Mrs Blanford/Mrs Bell	Ben Moyle	Open	17/3/15

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
12th May 2016					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Seddon	Open	13/3/15
Rural Speed Limits		Cllr Heyes	Sheila Davison	Open	23/7/15
T-CAT Update	<i>To propose a review of T-CAT which will determine: - the current functions of the Team; categories of functions carried out by T-CAT and their worth; who tasks T-CAT and how that tasking is done; what else needs to be done (now and during the next five years) and who should do it; what resources need to be available to do this work, and where they should come from.</i>	Cllr Mrs Blanford/ Galpin	Kirsty Hogarth	Open	9/5/14
Chilmington Design Code – Adoption as a Supplementary Planning Document		Cllr Bennett	Mark Chaplin	Open	31/7/15
The Draft Planning & Development Local Enforcement Plan		Cllr Bennett	Richard Alderton	Open	26/1/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Anti-Social Behaviour and Enforcement (including Litter and Dog Enforcement)	<i>To revise delegations for legislation under the Anti-social Behaviour, Crime and Policing Act 2014 and propose a bespoke support service for enforcement activity.</i>	Cllr Heyes	James Hann	Open	7/12/15
Park Farm Bus Subsidy		Cllrs Bennett/Heyes	Lois Jarrett	Open	24/2/16
Removal of High Street Parking Charges		Cllr Heyes	Jo Fox	Open	26/2/16
ABC Street Lighting		Cllr Heyes	Jo Fox	Open	26/2/16
9th June 2016					
Section 106 Agreements – Annual Progress Report	<i>Focus on s106 contributions received in the last year, contributions secured in new agreements and projects that have been supported by s106 funding</i>	Cllr Bennett	Lois Jarrett	Open	12/6/15
Final Outturn 2015/16	<i>Final budget outturn for previous financial year</i>	Cllr Shorter	Ben Lockwood	Open	12/6/15

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Annual Report	<i>The Annual Report will build upon the contents of quarterly performance monitoring, but will also include the following information – An Introduction from the Leader and Chief Executive; Facts and figures about Ashford; Timeline of key achievements in the Borough over the calendar year; Borough achievements; and a Financial Summary.</i>	Cllr Miss Martin	Nicholas Clayton	Open	10/7/15
Waste & Recycling – Costed Forward Education & Promotion Strategy	<i>Further to the report received by the Cabinet in February 2016, presentation of a costed forward education and promotion strategy, including forward recycling options and targets be approved.</i>	Cllr Mrs Bell	Julie Rogers	Open	13/2/16
Public Conveniences		Cllr Mrs Bell	Julie Rogers	Open	26/2/16
Corporate Delivery Plan		Cllr Clarkson	Kirsty Hogarth	Open	26/2/16
14th July 2016					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Peter Purcell	Open (Exempt Appendix)	10/7/15
Update on Landscaping Contract		Cllr Mrs Bell	Christina Fuller	Open	26/2/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
11th August 2016					
Corporate Performance Report	<i>To give Members and residents an overview of how the council is performing with a key performance 'snapshot'.</i>	Cllr Shorter	Nicholas Clayton	Open	28/7/15
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Seddon	Open	28/7/15
8th September 2016					
Cemetery Memorial Safety Policy	<i>Report back on adoption of policy and set of operational guidelines to manage the forward process relating to the safe management of memorials in Ashford.</i>	Cllr Mrs Blanford	Julie Rogers	Open	26/2/16
13th October 2016					
10th November 2016					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report.</i>	Cllr Shorter	Maria Seddon	Open	13/11/15
Corporate Performance Report	<i>To give Members and residents an overview of how the council is performing with a key performance 'snapshot'</i>	Cllr Shorter	Nicholas Clayton	Open	13/11/15

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
8th December 2016					
Draft Budget 2017/18	<i>To present the preliminary draft service budget and outline MTFP for the purposes of subsequent formal scrutiny by the O&S Task Group and public consultation.</i>	Cllr Shorter	Paul Naylor/Ben Lockwood	Open	4/12/15
Council Tax Base	<i>To present for approval the estimated 2017/18 Council tax base calculation for the Borough and each parished area, on which the major preceptors and local Parish Councils will base their requirements.</i>	Cllr Shorter	Ben Lockwood	Open	4/12/15
12th January 2017					
Revenues & Benefits Recommended Write-Offs Schedule	<i>Proposed formal write-off of debts</i>	Cllr Shorter	Peter Purcell	Open (Exempt Appendix)	16/1/15
9th February 2017					
Financial Monitoring – Quarterly Report	<i>Quarterly budget monitoring report</i>	Cllr Shorter	Maria Seddon	Open	13/2/16
Revenue Budget 2017/18	<i>To present the draft revenue budget for 2017/18 to the Cabinet for recommendation to Council.</i>	Cllr Shorter	Paul Naylor/Ben Lockwood	Open	13/2/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Corporate Performance Report	<i>The report seeks to give members and the Borough's residents an overview of how the Council is performing. It seeks to do this in a transparent and easily-accessible manner, giving a key performance 'snapshot'.</i>	Cllr Shorter	Nicholas Clayton	Open	13/2/16
Climate Change and Sustainable Environment – Annual Progress Report	<i>This report summarises actions and initiatives undertaken throughout the authority during the last year in the complementary areas of a sustainable environment, carbon and energy reduction and responding to the threat of climate change. These had been brought together previously within the Council's Position Statement.</i>	Cllr Mrs Blanford	Paul Naylor	Open	13/2/16
Domestic Abuse Annual Report	<i>Sets out for comment the progress the Council and its partners are making on projects focusing on domestic abuse over the past 12 months since the agreement by the Council to allocate up to £50,000 per year for three years to support the work on tackling domestic abuse.</i>	Cllr Heyes	James Hann/Elizabeth Mannington	Open	13/2/16

If you wish to contact a Report Author by email, unless stated otherwise, the addresses are; first name.surname@ashford.gov.uk

Agenda Item No: 15
Report To: Cabinet
Date: 10th March 2016



Report Title: **Proposed funding arrangement with the Homes and Communities Agency to enable delivery of M20 Junction 10A**

Report Author: Richard Alderton, Head of Planning and Development
Jeremy Baker, Principal Solicitor - Strategic Development

Portfolio Holder: Cllr Clarkson, Leader of the Council

Summary: This report sets out the proposed basis of funding agreements with the Homes and Communities Agency (HCA) and Highways England to put in place the uncommitted part of the funding needed to deliver junction 10A. This will mean that construction works can proceed once the current Nationally Significant Infrastructure Project approval process, being run by Highways England, is concluded and a Development Consent Order is granted for the junction 10A project.

Key Decision: NO as to Recommendations **iv.** and **v.** as these are to be recommended to Full Council.
YES as to Recommendations **i.**, **ii.** and **iii.** Since this matter has only arisen very recently, the subject-matter of the proposed key decisions was not published in the Council's Schedule of Key Decisions 28 days before the meeting. However, as it is impracticable to defer the decisions for this to be done (see para. 20 of the report), the Chairman of the Overview & Scrutiny Committee has been notified that they will be taken at this meeting.

Affected Wards: The junction 10A project directly affects a group of wards in the area around it, but all wards in the Borough are potentially indirectly affected by the funding arrangement and conditions proposed by the HCA.

Recommendations: **The Cabinet is asked to:-**

- i. Agree the funding proposition and terms for the delivery of M20 junction 10A from the Homes and Communities Agency (HCA), as set out in the Heads of Terms attached to the report; and**
- ii. Delegate authority to the Head of Legal & Democratic Services/Corporate Director (Law & Governance), in consultation with the Chief**

Executive, the Head of Planning & Development/Corporate Director (Development) and the Head of Finance, to negotiate, finalise and execute a detailed funding agreement with the HCA, including the details and mechanisms regarding Starter Homes released by the junction 10A project, and also any related documentation to implement the above, and

- iii. Agree that any delay to the above decisions becoming implementable would seriously prejudice the Council's and the public's interests for the reasons set out in para. 20 of the report, and that therefore with the consent of the Chairman of the Overview & Scrutiny Committee, these decisions are being made at this meeting as Urgent decisions within Overview & Scrutiny Procedure Rule 15(j), and**
- iv. Recommend to Full Council to enter into a consequential funding arrangement with Highways England Company Ltd. (HECL) to invest the HCA funding into the junction 10A project and to secure repayments to meet the Heads of Terms attached to the report; and**
- v. Recommend to Full Council to delegate authority to the Head of Legal & Democratic Services/Corporate Director (Law & Governance), in consultation with the Chief Executive, the Head of Planning & Development/Corporate Director (Development) and the Head of Finance, to negotiate arrangements with HECL for funding and repayment, and to finalise and execute a detailed funding agreement and any related documentation with HECL to implement all of the above.**

Policy Overview:

This Council has sought a new junction 10A for many years; the need for it is identified in Supplementary Planning Guidance to the Ashford Borough Local Plan SPG6 (2001 and 2004), the adopted Core Strategy (2008) and the Urban Sites & Infrastructure DPD (2012); and the new Local Plan to 2030 will rely on a new junction 10A to access a significant proportion of the planned growth to 2030. The junction is therefore one of the Council's 'Big 8' projects, and making arrangements for funding and delivering it are in the interests of both the proper planning of the area and the economic, social and environmental wellbeing of the Borough and its residents and workers.

Financial Implications:

The proposed funding arrangements for junction 10A do not involve any direct Council funding, either initially or by way of

repayment. This report sets out a proposed arrangement to put in place the balance of funding that is needed in order for the scheme to be committed by Highways England once it has development consent. This would be on a forward-funded basis, with repayments to be made to HCA from developer contributions that have been received or accrue in the future, rather than from the Council's own resources.

Risk Assessment	YES - in the body of the report
Community Impact Assessment	<p>Not specifically in relation to the funding decisions proposed in this report.</p> <p>Highways England will need to ensure that the design of a J10A scheme takes account of identifiable impacts upon protected groups.</p> <p>It is expected that the provision of Starter Homes will be a requirement of national planning law and/or policy, carried into local policy as appropriate. The recent Government consultation thereon was accompanied by an Equalities Statement which can be read at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482890/Equalities_statement_NPPF_fin.pdf</p>
Exemption Clauses:	Not Applicable
Background Papers:	None
Contacts:	<p>Richard.alderton@ashford.gov.uk – Tel: (01233) 330239</p> <p>Jeremy.Baker@Ashford.Gov.UK – Tel: (01233) 330574</p>

Proposed funding arrangement with the Homes and Communities Agency to enable delivery of M20 Junction 10A

Purposes of the Report

1. This report concerns only the funding aspects of a proposed new junction 10A, and explains to Members an immediate opportunity that has arisen very recently for the Homes and Communities Agency (HCA) to provide the balance of forward-funding needed for the project (£16.0 million). This offer is the result of concerted efforts over a long period by the Council and its partners to secure a funding solution, and is at present subject to approval by both the HCA's Board and the Department for Communities & Local Government (DCLG). Subject to those approvals, the HCA proposes to forward-fund the Council to enable the delivery of a new junction 10A. Accordingly, the report seeks Members' agreement to the principles of an agreement to be entered into with the HCA to secure that funding.
2. The report also explains that, once the HCA funding has been secured, a further agreement between the Council and Highways England will be needed regarding delivery of the project. This will be a matter for Full Council and the report seeks the Cabinet's recommendation to Full Council accordingly.

Background

3. The Council's long-standing commitment to securing a new junction 10A is well known and is set out in its adopted strategic planning documents going back to 2001. Most recently, the Cabinet resolved on 10th April 2014 to support in principle the delivery of a new, all-movements Junction 10A (rather than a more limited junction) when funding permits (Minute E397/4/14), and the Overview & Scrutiny Committee on 11th June 2014 agreed that "Council policy is for a full scheme at Junction 10A" (Minute OSC32/6/14).
4. A junction 10A scheme has for some years been in the National Roads Programme, and Highways England is currently carrying out formal public consultation (until 17th March 2016) on a proposed scheme. The project is a Nationally Significant Infrastructure Project (NSIP), the consenting process for which is designed to speed delivery of major infrastructure, and effectively puts both planning controls and compulsory purchase powers into a process overseen by the Planning Inspectorate. The Council's response to Highways England's consultation will be considered by a Special Meeting of the Planning Committee on 9th March 2016.
5. Highways England's timetable envisages a new junction 10A being open for traffic in 2019. Timely construction of the scheme that is finally approved through the NSIP process is very important for the Borough and its residents. People currently using this part of the road network will be pleased that the growing congestion issues at the motorway junction and on the local road network will be tackled. For potential investors, employers, housebuilders, and people considering moving to the town, confidence in both the shorter

and longer terms will be increased as a major constraint to growth is removed. Development currently held back by capacity constraints at the existing junction 10 will be able to come forward, creating new jobs and homes. Finally, the Borough will be able to meet the additional development needs identified in its new Local Plan covering the period to 2030 with a clear planning strategy for growth – in turn helping to protect other areas, not identified in the new Local Plan, from inappropriate development.

Funding and delivering a new Junction 10A

6. A new junction 10A scheme requires three elements to its funding. The total median cost of the scheme which is now out to public consultation is estimated to be £86.2 million. Of this:-
 - (a) £50.5 million will be funded from central Government, via Highways England's Roads Investment Strategy 1 funds.
 - (b) £19.7 million was agreed in June 2014 from the Government's Local Growth Fund, via the South East Local Enterprise Partnership (SELEP) under the SELEP Growth Deal.
 - (c) The remaining £16.0 million was required by the SELEP Growth Deal to be made up by local contributions procured by this Council.

The Council has always made it clear that it is not able financially to provide, contribute to or underwrite these "local contributions" from its own resources, and the Council's Medium-Term Financial Plan does not make any provision for Council contributions. The junction is required to facilitate and serve development, but owing to the need for the whole cost of the junction project to be covered at the construction stage, and assured as part of the NSIP consenting process, a means is required not only of raising £16 million in repayment contributions from developments coming forward, but also of underwriting the £16 million until such contributions can be raised from development released by J10A in the future.

7. Whilst £16 million is a significant sum, officers believe it is realistic to assemble this sum over time from planned developments – both those in existing plans and those coming forward in the new Local Plan (subject to the Local Plan preparation process and procedures, which require a new Local Plan to be legally compliant and 'sound'). There are three ways in which this developer funding will be gathered:-
 - (a) Some funding that can be used towards J10A has or will come from **existing s.106 planning agreements**, which the Council has entered into under SPG6 with developers in the area around junction 10 since 2001 – for example, from Finberry (Cheeseman's Green) as it grows. As new Government restrictions on the use of s.106 agreements to 'pool' contributions towards infrastructure came into force last April, unfortunately the Council can no longer enter into new s.106 agreements in this way.
 - (b) The Council is now using **Highways Act s.278 agreements** to assemble contributions towards junction 10A. These agreements can

be entered into between Highways England and developers up until the time when a J10A scheme is completed, in order to help fund the junction, although the payments can be payable at a future date. Like s.106 agreements, the developer's entry into such an agreement can be a requirement of planning permission.

It is anticipated that most, if not all, of the £16 million will be recovered in these two ways, and on reasonable assumptions about the rate of delivery of development, that this should occur within 15 years. However, in case insufficient money is forthcoming under such agreements, a back-stop mechanism is required.

- (c) The final means to assemble contributions is via the **Community Infrastructure Levy (CIL)**, which it is expected will commence in the Borough in mid-late 2017. The Council has responded to a recent Government consultation on the future of CIL to seek changes which would remove the current legal confusion over a Council's ability to pay CIL contributions to a third party infrastructure provider *after* the infrastructure has been provided. At present, this is not something that the Council can commit to under current legislation.
8. In short, there are means to repay the £16m within 15 years, unless prevented by influences beyond the Council's control – e.g. a failure to clarify the CIL legislation to clearly allow CIL to be used to repay funds expended up-front by a third party infrastructure provider. The Council should clearly protect itself from any liability to repay funds from its own resources should such external influences not be resolved (see paras. 18, 21 and 25 below).
 9. So the issue of how the £16m is recouped over time is a relatively straightforward one and the Council can protect itself from financial risk by appropriate terms in the funding agreement. However, the more pressing and fundamental issue has been that, without funding being in place to cover the full costs of the junction, Highways England would not be able to commit to commence construction. This would in turn put the SELEP funding contribution in jeopardy and threaten the delivery of the project in its entirety.
 10. The Ashford Strategic Delivery Board, which oversees and directs progress on the 'Big 8' projects with the local MP and key public sector partners including KCC and Highways England, has become increasingly concerned about these financial risks to this project. The HCA is a member of the Board and recognised the critical importance of the delivery of junction 10A to directly enable the delivery of sustained growth in the area and the new homes and jobs that the Government is committed to deliver to help drive economic recovery.
 11. Within the last few weeks a breakthrough has been achieved. An immediate opportunity has arisen and the HCA's officers have proposed setting up a £16m enabling fund to unlock the current situation, subject to approval by the HCA's Board and DCLG. This would provide the injection of capital needed immediately, and would enable full project funding and Highways England commitment to take forward the scheme for junction 10A that emerges from the NSIP consenting process currently underway. This is an enormously important step forward and reflects not only the HCA's role and commitment

to deliver jobs and economic development but also the long-term successful working relationship between the Council and the HCA. It is hoped that the necessary approvals by the HCA's Board and DCLG can be obtained very soon.

12. The HCA's £16m funding would be passed to the Council to hold for the J10A project, and it is understood that the HCA will endeavour to pay the funds over before the end of the current financial year.
13. The Council will then need to enter into a consequential funding agreement with Highways England (HE) under which the HCA funding will be invested in the J10A project alongside the other funding streams identified at para. 6 above. The precise timing of expenditure of each funding stream remains to be negotiated and clarified with HE, to ensure that the applicable terms of each are met. Investment of £16m. in capital works would constitute capital expenditure by the Council, which is not provided for in the Council's Budget notwithstanding that it will in fact be fully funded by the HCA. Therefore, the approval of this expenditure can only be given by the Full Council, and the Cabinet is asked to recommend the approval of such an agreement with HE to Full Council accordingly.
14. Moreover, there will be a need for the Council to agree a repayment mechanism with HE to reflect the fact that some developers will be paying s.278 contributions to HE. Since the Council, not HE, is responsible for repayments to the HCA, HE may arrange for the Council to act as its agent in respect of negotiating and securing s.278 Agreements, and recovering monies due under them, which could be paid direct to the Council on HE's behalf, in order to reduce administration and money transfers. Therefore, it is also sought to recommend to Full Council that the detailed arrangements for funding and repayment involving HE be delegated to officers to resolve within the overall terms of the HCA funding, ensuring once again that the Council's own financial resources are not required to be used either for the project or for repayment.
15. As developer contributions are collected in the ways described above, the HCA's funding will be repaid. In this regard, the Council's previous roles as facilitator of forward-funded infrastructure projects are very relevant. Members will be aware that the major improvement works to Drovers Roundabout and M20 junction 9, and the new Eureka Skyway bridge over the M20, were forward-funded using Regional Infrastructure Funding (RIF) made available to the Council by the then South East England Development Agency (SEEDA) in 2010-11. To repay the RIF funding, several mechanisms were employed, once again including s.106 and s.278 contributions from some developers. In addition, the Council's then Executive agreed on 24th September 2009 to set up an arrangement under which the Council would allocate specific percentages of its CIL receipts from new dwellings in the Ashford Growth Area towards Transport projects, from which due priority would be given to the RIF repayments (Minute E227/09/09 refers).
16. These terms were formalised in a pair of RIF Funding Agreements on 4th May 2010, under which the following applies:-

- a) The following sliding scale of percentages of CIL receipts from all new/converted dwellings in the Ashford Growth Area are to be paid into a Transport Fund:-
- (i) 36% if the receipt per dwelling is £14,000 or more
 - (ii) 50% if the receipt per dwelling is £10,000 or more but less than £14,000
 - (iii) 67% if the receipt per dwelling is £7,500 or more but less than £10,000
 - (iv) 80% if the receipt per dwelling is less than £7,500
- b) After any necessary deductions for repayments due to Taylor Wimpey for their forward-funding of the J10 Interim Scheme improvements in 2006/7, and any agreed deductions for other transport infrastructure, 25% of the balance in the Transport Fund is to be paid to SEEDA for repaying the Drivers RIF Project, and 25% for repaying the J9 & Footbridge RIF Project.

This arrangement with SEEDA deliberately left 50% of the Transport Fund available in anticipation that it might be required to support repayment of some funding to complete J10A. It is convenient that the RIF Agreements were transferred to the HCA when SEEDA was abolished by the Coalition Government in 2012. Thereby, all the building blocks of a repayment mechanism for J10A funding are already in place between the Council and the HCA.

17. It is now proposed to utilise and build on this existing mechanism by continuing with the Transport Fund concept and revising its division as follows:-
- After any necessary deductions for repayments due to Taylor Wimpey for their forward-funding of the J10 Interim Scheme improvements in 2006/7, and a deduction of 20% for funding other non-motorway-linked transport infrastructure:-
 - 50% of the balance in the Transport Fund is to be paid to HCA for repaying the J10A Project
 - 25% of the balance in the Transport Fund is to be paid to HCA for repaying the Drivers RIF Project
 - 25% of the balance in the Transport Fund is to be paid to HCA for repaying the J9 & Footbridge RIF Project.
18. Of course, the Council has not yet introduced CIL, and this is expected to occur in parallel with the new Local Plan. Even if CIL payments were now being received and percentages thereof credited to the Transport Fund, as noted at para. 7(c) above it is not currently legally permitted to use CIL monies to repay forward-funding, so in practice these anticipated repayments to the HCA cannot be made. The existing Agreements recognise, as will the new Funding Agreement for J10A, that no payments of CIL receipts will in fact be made to the HCA unless and until appropriate amendments have been made to, or directions given under, the CIL Regulations to permit this, to the Council's reasonable satisfaction. Both parties will continue to press for such to happen, and to this end the Principal Solicitor (Strategic Development) and a representative of the HCA met with the Government's CIL Review Panel last month. The report of the CIL Review Panel is not expected before April.

Securing the Funding

19. Assuming that the HCA's Board and DCLG approve the HCA making available the proposed funding to the Council, the arrangement will need to be formalised by means of a legal funding agreement between the Council and the HCA. This must be negotiated and signed imminently to allow the funding to be paid to the Council before the end of March if possible.
20. The need to obtain Members' immediate agreement to the terms of this funding, in order that the legal agreement can be prepared, finalised and signed to this timescale, is the reason for this report being brought to this Cabinet meeting as an Urgent item of business. Since there are few working days remaining, it will simply not be possible to allow the usual time for the involvement of the Overview & Scrutiny Committee, as any delay would seriously prejudice the Council's and the public's interests because it would inevitably result in the loss of the HCA's £16m funding in this financial year, and there is no commitment that the funding would or could be rolled forward and made available in 2016/17. Therefore, the circumstances of the proposed decisions by the Cabinet have been explained to the Chairman of that Committee, who has agreed that they are reasonable in all the circumstances and that the Cabinet may take them at this meeting as Urgent decisions.
21. The proposed Heads of Terms of the agreement with the HCA are attached to this report. One critical point is that there will be no call on the Council's own resources, either as part of the repayment regime or should external circumstances mean that developer contributions for any reason fall short of the £16m. However, should such circumstances occur then the Council would co-operate in discussion with the HCA to seek to find alternative ways of recovering any shortfall in repayments through the planning system using powers available to the Council.

Starter Homes

22. In offering this funding to Ashford, the HCA attaches particular importance to its investment in J10A releasing housing development that will deliver Starter Homes under emerging Government policy. A very recently-concluded Government consultation (see https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/482890/Equalities_statement_NPPF_fin.pdf) included proposals to change the National Planning Policy Framework's definition of "affordable housing" to include Starter Homes for first-time buyers under 40 years of age. And the Housing and Planning Bill, now under debate in Parliament, proposes to allow the Secretary of State to introduce through Regulations a statutory requirement for a proportion of such Starter Homes to be delivered on all suitable reasonably-sized housing developments.
23. On the assumption that these national changes are indeed forthcoming in the near future, the Council would need to reflect them in its new Local Plan to 2030 in order for it to be found 'sound'. Moreover, such a policy would encourage more young people and families into future developments. Therefore it is feasible for the Council to commit, in the agreement with the HCA, to promoting Starter Homes in line with whatever new policies and/or

laws emerge in time to be taken into account in its Local Plan process. However, it is recognised that this may be subject to development viability issues, and in any case would be subject to the process of independent examination of the Council's Local Plan by a planning inspector, and the agreement with the HCA will reflect these uncertainties.

24. The exact details and mechanisms for the provision of Starter Homes that will be released by the J10A project need to be resolved through further discussions with the HCA, and therefore this matter is recommended to be delegated to officers. Broadly, it is considered that around 3,500 dwellings would be released by the J10A project, and on the assumption that new Government policies and/or legislation will require 25% of new dwellings to be Starter Homes, J10A should release circa 875 Starter Homes.

Risk Assessment

25. The proposed Heads of Terms for the agreement with the HCA mitigate the Council's risks. Crucially, there is no financial liability for the Council should the developers' funds for repayment not come forward as anticipated, provided that the Council has taken reasonable steps to pursue defaulters. In such circumstances the parties would work together to find an acceptable way forward, and any future revised agreement with material changes to the Heads of Terms attached will be subject to separate Member approval at that time.
26. In connection with the use of CIL income to help repay the £16m funding, as set out above the Heads of Terms for the agreement are structured in a way that limits the impact on overall CIL proceeds. Thus, the proportions of the overall CIL receipts that are to be reserved for Transport projects as a whole will remain exactly the same as agreed with SEEDA (now the HCA) in 2009. Moreover, within the Transport Fund 20% of the available funds will be ring-fenced for other transport projects that are not HCA-funded, which could include bus services, cycleways and a Park Farm Rail Halt. Therefore - although it is now clear, following the recession, that CIL will generate less income than was hoped at the time the RIF funding was agreed in 2009 - the Council will still have some ability to fund other key infrastructure items from CIL receipts.
27. Owing to the size of the HCA funding involved and the Council's obligations to hold, disburse and repay it, the agreement with HCA will need to be noted in the Council's accounts as a contingent liability in the same way as the existing RIF Agreements are currently noted.
28. If the current NSIP consenting process results in the design of J10A being changed from that currently subject to HE's public consultation, this will not affect the funding offer as it will not be tied to any particular design but rather to whatever scheme eventually secures approval by means of a Development Consent Order.

Other Options Considered

29. The Council has also been in discussions with another member of the Ashford Strategic Delivery Board – Highways England – to see if HE could fund the

£16m up-front in the process, on the basis of a similar means of developer contribution-funded repayments. Whilst there is an awareness of the issue, Highways England has not been able to come forward with a solution at this time. No other funder able to provide £16m. towards the J10A project has been identified.

Conclusion

30. The opportunity that has arisen for the HCA, as a partner on the Ashford Strategic Delivery Board, to help to generate certainty about delivery of a new junction 10A is a most welcome one. Assuming that it is approved by the HCA's Board and by DCLG, this is sure to influence investor confidence in the short, medium and long term prospects of the area. Certainty over delivery will help to demonstrate the deliverability of the new local plan and its proposals for Ashford's planned development to 2030.
31. Officers are firmly of the view that the HCA's proposal should be welcomed as a key step towards the delivery of a new junction 10A. With the safeguards mentioned above and set out in the attached Heads of Terms, officers believe the Council is fully protected from financial risk. Accordingly, Members' endorsement is sought to complete the necessary agreements in line with the attached Heads of Terms, to enable funds to be passed to the Council as soon as possible (probably by the end of March) and thereafter to be passed to HE to assist project delivery.

Portfolio Holder's Views

These will be given at the Cabinet meeting.

Contacts: Richard Alderton 01233 330239 richard.alderton@ashford.gov.uk
Jeremy Baker 01233 330574 jeremy.baker@ashford.gov.uk

J10A FUNDING AGREEMENT BETWEEN HCA AND ABC, MARCH 2016

HEADS OF TERMS agreed at HCA/ABC meeting on 4/3/16

0. Background to Funding

- 0.1 Highways England (HE) requires a commitment from ABC to provide the Funding to be entered into in summer 2016, to support J10A Project preparation, consenting and construction.
- 0.2 "J10A Project" means the Construction of a new junction 10A to the M20 (which includes any partial junction) with associated works subject to an approved Development Consent Order.

1. Drawdown of Funding

- 1.1 HCA to pay to ABC on or before 30/6/16 the Funding in the sum of £16,000,000, and HCA will endeavour to do so on or before 31/3/16.

2. Use of Funding

- 2.1 ABC to hold and use the Funding only for the J10A Project. If the whole or any part of the Funding is not used for the J10A Project, ABC to return the whole or the balance of the Funding to HCA.
- 2.2 ABC may pay Funding to HE subject to invoicing/claims procedures agreed between ABC and HE to meet HE expenditure made or committed. Indicative anticipated annual spending profile for the Funding to be attached, showing that parties anticipate that the majority of the Funding will be used in Financial Years 2016-2018.
- 2.3 ABC to report quarterly to HCA on the amount of Funding held and expended and on the progress of the J10A Project against key milestones. Agreed list of key milestones for monitoring purposes to be attached.
- 2.4 ABC to require HE to comply with applicable procurement laws.

3. Repayment of Funding

- 3.0 ABC to report to HCA quarterly on sums received for repayment of the Funding, and to repay quarterly sums to HCA only as and when received from developers or HE in the following ways:-

3.1 Via new s.278 Highways Act agreements:

- 3.1.1 ABC to use reasonable endeavours to seek contributions from developers to HE towards the J10A Project via s.278 Agreements (using existing SPG6 mechanism and/or other appropriate planning policies).

3.1.2 When developers pay contributions to HE¹ under s.278 Agreements, and when ABC receives the amount received by HE, ABC to pay the amount on to HCA.

3.2 Via existing s.106 Town & Country Planning Act agreements:

3.2.1 When developers pay ABC SPG6 contributions under existing s.106 Agreements, and after ABC has fully discharged its existing s.106 commitment to repay Taylor Wimpey for forward-funding J10 Interim (including the Rail Halt Fund if that commitment is transferred to that), ABC to pay to HCA 80% of the SPG6 contributions received.

3.3 Via CIL repayment mechanism in 3.3.1 – 3.3.4 already agreed between ABC, HCA & KCC on 4/5/2010:

3.3.1 ABC to pay into a Transport Fund the following sliding scale of percentages of Strategic Tariff or CIL receipts from all new/converted dwellings in the Ashford Growth Area:-

- (i) 36% if the receipt per dwelling is £14,000 or more
- (ii) 50% if the receipt per dwelling is £10,000 or more but less than £14,000
- (iii) 67% if the receipt per dwelling is £7,500 or more but less than £10,000
- (iv) 80% if the receipt per dwelling is less than £7,500

3.3.2 After any necessary deductions for TW repayments, and any agreed deductions for other transport infrastructure [this will now become 20% as per 3.3.5 below], ABC to pay quarterly to HCA 25% of the amount in the Transport Fund for Drovers RIF Project repayment, and 25% for J9/Footbridge RIF Project repayment.

3.3.3 ABC to use reasonable endeavours to maximise payments into the Transport Fund (i.e. to maximise Strategic Tariff or CIL receipts, including to recover unpaid Strategic Tariff or CIL).

3.3.4 ABC is not liable to compensate HCA from its other financial resources if developers do not pay their due Strategic Tariff or CIL or s.106/278 contributions, provided has taken reasonable steps to pursue defaulters, but parties to agree alternative means to maintain indicative anticipated repayments to HCA.

3.3.5 After any necessary deductions for TW repayments, and a deduction of 20% for funding other non-motorway-linked transport infrastructure, ABC to pay quarterly to HCA 50% of the amount in the Transport Fund for J10A Project repayment.

3.3.6 In terms of the above obligations, ABC will pay funds derived from Strategic Tariff or CIL receipts to HCA unless any law, regulation, Court judgment, Inspector's or Secretary of State's decision, etc. would or does make this unlawful, and in respect of funds derived from CIL receipts unless appropriate

¹ Contributions may be paid direct to ABC as agent for HE, under arrangements made between ABC and HE, but this does not affect the operation of this principle.

amendments have not been made to, or directions given under, the CIL Regulations to permit this, to ABC's reasonable satisfaction.

3.4 Long-term Funding

- 3.4.1 ABC is not required to repay the Funding to HCA other than as set out above, or by any specified date, but the parties anticipate that, provided that independent Examiner approves ABC's proposed CIL and appropriate amendments are made to, or directions given under, the CIL Regulations before the J10A Project is completed, repayment will be achieved by 31/3/2031. If this does not occur, parties to agree alternative means to maintain indicative anticipated repayments timeline [to be attached] to HCA.

4. Provision of Starter Homes

- 4.1 If new laws, regulations or provisions of the NPPF and Government guidance so require, and subject to viability, ABC to use reasonable endeavours to promote, and to adopt if independent Inspector approves, policies in its new Local Plan requiring an overall proportion of Starter Homes of 25% among the dwellings released by the J10A Project, which the parties anticipate will total in the region of 3,500 dwellings.