

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

Queries concerning these Minutes? Please contact Keith Fearon:
Telephone: 01233 330564 Email: keith.fearon@ashford.gov.uk
Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees