



Cabinet

Notice of a Meeting, to be held in the Council Chamber, Civic Centre, Tannery Lane,
Ashford, Kent TN23 1PL on Thursday, 12th May 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, Environment and Heritage

Cllr G Bradford – Portfolio Responsibility for Highways, Wellbeing and Safety

Cllr Clokie – Portfolio Responsibility for Housing and Home Ownership

Cllr Galpin – Portfolio Responsibility for Town Centres Focus and Business Dynamics

Cllr C Knowles – Portfolio Responsibility for Information Technology 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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| 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 14 th April 2016 | |
| 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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Part IV – Information/Monitoring Items

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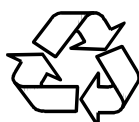
Part V – Cabinet Member Reports

None for this Meeting

Part VI – Ordinary Decision Items

None for this Meeting

KRF/AEH
4th May 2016



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 Corporate Director (Law and Governance) 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 **14th April 2016**

Present:

Cllr. Clarkson (Chairman);

Cllr. Bell (Vice-Chairman);

Cllrs. Bennett, Mrs Blanford, Clokie, Galpin, Heyes, Shorter.

Apologies:

Cllrs. Bradford, Mrs Bell, Miss Martin, Ovenden.

Also Present:

Cllrs. Buchanan, Burgess, Hicks, Krause, Link, Michael, Wedgbury, White.

Chief Executive, Deputy Chief Executive, Corporate Director (Law and Governance) and Monitoring Officer, Corporate Director (Development), Head of Health, Parking and Community Safety, Head of HR, Communications and Technology, Health, Parking and Community Safety Manager, Human Resources Manager, Head of Environment and Customer Services, Head of Housing, Senior Commercial Development Manager, Head of Finance, Housing Improvement Manager, Principal Solicitor (Strategic Development), Policy and Performance Officer, Auditor, Communications Officer, Member Services and Scrutiny Manager.

380 Minutes

The Chairman referred to the Tabled Papers which set out amendments to Minute No. 363 – Management of Leisure Facilities: Corporate Strategy 2015 – 2020: Priority 3 Active and Creative Ashford.

Resolved:

That the Minutes of the meeting of the Cabinet held on the 10th March 2016 be approved and confirmed as a correct record subject to the substitution of “for up to 18 months (extendable for up to six further months)” for “for 18 months (extendable for a further six months)” and “Southern Community Leisure Trust Ltd” for “Neighbourhood Southern Community Trust Ltd” in Minute No.363 (ii) (b).

381 Pay Policy Statement – Annual Review

The report made recommendations for the annual review of the Ashford Living Wage Allowance and the Ashford Apprentice Wage Allowance and also for the publication of an updated Pay Policy Statement.

Recommended:

- That
- (i) the amendment to the application of the Ashford Living Wage Allowance (ALWA) to take account of the new statutory National Living Wage Rate be agreed and be implemented from 1st April 2016 and that the pay rate of the lowest paid employees is maintained at the rate of £8 per hour for 2016/17.**
 - (ii) the Pay Policy Statement as attached to the report be approved.**
 - (iii) the ALWA be paid at the rate of 15p per hour above the National Minimum Wage (NMW) rate applicable to the age of the apprentice for 2016/17.**
 - (iv) the ALWA rate be paid at 15p per hour above the statutory National Living Wage Rate for apprentices over the age of 25 for 2016/17.**
 - (v) it be noted that the forthcoming Government legislation would have an impact on the Council's Pay Policy Statement.**

382 Safeguarding Policy

The report advised that the Policy had been brought up to date following changes in national policy and legislation.

The Portfolio Holder explained that the purpose of the Policy and its associated procedures was that safeguarding was “everybody’s business” and that we as an organisation were committed to ensuring children, young people and adults at risk were protected from abuse and were provided opportunities to thrive. He also explained that procedures had been updated, training had been commissioned and a group of staff have been identified as Lead Safeguarding Officers.

Resolved:

- That
- (i) the revised Safeguarding Policy be approved.**
 - (ii) the Head of Health, Parking and Community Safety be authorised to approve minor amendments to the Policy in line with working arrangements.**

383 Proposed Update to the Affordable Housing Programme and Business Case for Remodelling of Danemore Sheltered Housing Scheme

The report sought approval to update the programme of new build Council housing and of the Business Case for the proposed remodelling of the sheltered housing scheme at Danemore, Tenterden. The Portfolio Holder said he wished to draw attention to the successful bid made by the Council to the Care and Support Specialised Housing (CASSH) fund of £1.6 million to contribute towards the cost of remodelling Danemore. He also explained the nature of the proposed decanting arrangements for the tenants and commented that the residents were pleased with the proposed improvements to be undertaken at Danemore. The Portfolio Holder also referred to the Affordable Homes Programme and advised that in terms of unit costs, work was being undertaken with a view to reducing them.

Resolved:

- That (i) the proposed updates to the new build programme between 2016 and 2020 be approved.
- (ii) the Business Case for Remodelling of the Danemore Sheltered Housing Scheme in Tenterden be approved.
- (iii) the successful bid for £1.6 m from the Department of Health CASSH fund be noted.

384 Grounds Maintenance, New Operational Structure: Approval of Costs Associated with the Early Release of Local Government Pension Scheme Benefits due to Redundancy

The report advised that in October 2016 the Grounds Maintenance Function would become an in-house service and there would no longer be an external contract to manage. As a consequence there would no longer be a requirement for Officers to monitor a contract and Contract Management posts would become redundant. Two of the affected post holders were entitled to the early release of their Local Government Pension Scheme Benefits due to reasons of redundancy.

Recommended:

That the costs of the early release of Local Government Pension Scheme Benefits for affected post holders for reasons of redundancy be approved.

385 Joint Transportation Board – 8th March 2016

Resolved:

That the Minutes of the meeting of the Joint Transportation Board held on the 8th March 2016 be received and noted.

386 Local Plan and Planning Policy Task Group – 9th March 2016

Resolved:

That the notes of the meeting of the Local Plan and Planning Policy Task Group held on the 9th March 2016 be approved and adopted.

387 Town Centre Regeneration Board – 24th February 2016

Resolved:

That the notes of the meeting of the Town Centre Regeneration Board held on the 24th February 2016 be received and noted.

388 Schedule of Key Decisions to be Taken

Resolved:

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

389 Elwick Place Development

The report, as amended by the Update paper tabled at the meeting, asked the Cabinet to recommend to Council to fund and require the construction of a mixed use leisure development incorporating cinema, hotel, food, beverage, car park and retail use in Elwick Road. The Exempt Appendices to the report included a paper entitled “Funding and Investment Opportunity”, a draft risk analysis, and a draft report from Arlingclose Ltd, who had been appointed by the Council for independent treasury management advice. Tabled at the meeting was an update report which included revised recommendations together with an Exempt paper advising on the ongoing due diligence work and advice from Cradick Retail who had been appointed by the Council to provide valuation advice in relation to anticipated rental levels. The tabled papers also included comments from Councillor Apps, as one of the Ward Members for the Ashford Victoria Ward.

The Chairman advised that he intended to discuss this item first with the Press and Public present, prior to moving into Exempt session to discuss and answer any questions of detail on the confidential aspects of the proposal. The Cabinet and other Members present were then afforded time to read the tabled papers.

The Chairman, in introducing the report emphasised that the Cabinet would be making recommendations to the Full Council on the 21st April 2016 when Members would be able to debate the issue and receive any further updates that may arise between this meeting and the Council meeting. He also said that it was opportune that he had received that day an invitation to attend an event at the Guildhall in London launching a scheme which was encouraging Local Authorities to use capital investment to support revenue budgets and at the same time achieve social value for

the residents of the area. He believed that the report before Members met both of these aspirations.

The Portfolio Holder for Finance, Budget and Resource Management said that this was a significant exercise for the Borough Council to undertake. He drew attention to the Medium Term Financial Plan which provided for the loss of formula grant from Central Government leaving a £2.1 million gap in funding which the Council needed to consider. The Five Year Business Plan approved by the Council in October 2015 had highlighted the need for the Council to earn revenue rather than reduce services to residents. He explained that the site subject to this report had planning permission for a cinema, hotel and eateries already, and the proposal to fund the building works would provide an added attraction to the town, facilitate its wider development, and support both the day and evening economy. The Portfolio Holder emphasised that the whole process was subject to ongoing due diligence and emphasised that the Council owned the freehold of the site and therefore the proposal did not include any land transfers. He summarised that the proposal was to fund historic and future project costs with Stanhope Plc, who would also receive a profit share on completion. In conclusion, he said that the proposal would allow the Council to benefit from a significant level of income year on year which would be used to support the revenue budget, together with any future capital growth, which he felt was likely.

The Portfolio Holder for Town Centres Focus and Business Dynamics said that he believed that the development was absolutely vital for the Town Centre and in particular the existing shops and businesses who had shown patience and great faith in Ashford. He explained that he had spoken to the Manager of County Square who had indicated confidence that their void units would be filled as the Elwick Place development went forward. He also alluded to the increased level of business rates which would be achieved as new businesses opened in the Town Centre, and commented that enhancing the mix of uses in the Town Centre with this leisure scheme would be very beneficial and the proposal would enable it to be brought forward quicker than waiting for the market to fund the development.

In response to a comment that there was a need to ensure the development was built to a high standard and appropriate quality without over-running costs, the Chairman and the Portfolio Holder for Finance, Budget and Resource Management confirmed that this would be covered in the agreement with the developer.

The Vice-Chairman noted the importance of securing the correct cinema tenant.

The Chairman then read the tabled comments received from one of the Ward Members for Victoria, Councillor Apps, in support of the recommendations set out within the report.

At this point in the meeting the Press and Public were excluded by means of the following resolution:

390 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 Elwick Place Development (Exempt Appendices) 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 paragraph 3 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.

391 Elwick Place Development (Exempt Appendices)

During this part of the meeting Members asked detailed questions about the proposed financial arrangements; aspects of the proposed agreement with Stanhope; expected levels of income from the car park; the composition of the construction costs; the other parties involved; and risks associated with the project. The Officers present provided detailed responses to the questions raised and confirmed that the due diligence process was still being undertaken.

The Chairman said he wished to emphasise the strictly confidential nature of the information set out within the Exempt Appendices.

The Press and Public were then re-admitted to the meeting.

Recommended:

- That**
- (i) the contextual advice contained within the report be noted.**
 - (ii) the due diligence advice to date set out in Appendix C to the report, and attached to the tabled Update report, be noted.**
 - (iii) the Chief Executive be authorised, in consultation with the Leader of the Council, the relevant Portfolio Holders and the Chief Financial Officer and the Corporate Director of Law and Governance, to negotiate measures and take any other steps she considers prudent in the Council's interests in order to enable the transaction to proceed as a sound investment, and to approve final due diligence reports and a final risk analysis schedule which are satisfactory in her view and that subject to those matters recommendations (iv) to (vii) become effective. In the event that these matters are not satisfactory, the proposal be reported back for decision by Cabinet.**
 - (iv) it be agreed to enter into an agreement to finance and require the construction of the Development with Stanhope Plc on the terms and at an outlay as set out in the Exempt Update Report.**

- (v) it be agreed to fund the construction of the Development from borrowing (a mixture of internal and external borrowing) with discretion as to the mix and duration of borrowing delegated to the Chief Financial Officer in consultation with the relevant Portfolio Holder, with the need for a later report containing recommendations to amend the Council's Minimum Revenue Provision Policy as and when necessary as advised by Arlingclose.**
- (vi) the revised prudential indicators as outlined in Appendix E to the report be agreed.**
- (vii) authority be given to the Corporate Director of Law and Governance in consultation with the Head of Corporate Property and Projects to effect and complete all necessary documentation including the Development Funding Agreement to action the above.**

(KRF/AEH)

MINS:CAXX1615

Queries concerning these Minutes? Please contact Keith Fearon:
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Agendas, Reports and Minutes are available on: www.ashford.gov.uk/committees

Agenda Item No: 6
Report To: Cabinet
Date: 12 May 2016
Report Title: Review of the Council Tax Support Scheme



Report Author: Council Tax and Welfare Reform Task Group
Ben Lockwood, Head of Finance
Portfolio Holder Cllr Shorter Cllr Shorter Portfolio Holder for Finance & Budget, Resource Management and Procurement

Summary: The Council has had a Council Tax Reduction scheme since 2013. A county wide review has been completed to recommend a common framework for a county wide scheme. This has been reported in detail to the Task Group and this report contains its recommendation on the elements of the scheme that should be included in the Consultation exercise that is planned over the summer. The report includes a stage 1 Equalities impact assessment for members consideration.

Key Decision: No
Affected Wards: All – none specifically
Recommendations: Cabinet be asked to

- i) Note the recommendation that any new Council Tax Reduction Scheme should be based on the current scheme but with a series of potential modifications upon which we should consult;
- ii) Launch a consultation on the potential introduction of a range of modifications to the current Council Tax Reduction scheme for working age claimants as follows:
 - a. Increasing the minimum contribution rate for working age claimants between 10% and up to 20%;
 - b. Introducing a band cap at a band D;
 - c. Removing Second Adult Rebate;

- d. Reducing the capital limit to £6,000;
 - e. Introducing a standard non-dependant deduction of £10 per week;
 - f. Introducing a Minimum Income Floor for self-employed claimants (based upon the Statutory National Living Wage at 35 hours per week for full time or 16 hours a week for part-time workers);and
 - g. Aligning regulations of the current Council Tax Reduction scheme with Housing Benefit and (prescribed) Pension Age Council Tax Reduction scheme.
- iii) Through the consultation, seek views as to whether an Exceptional Hardship Policy should be incorporated as part of the scheme;
 - iv) Through the consultation, seek views on other ways of meeting the demands highlighted through the report other than changing the existing Council Tax Reduction Scheme (as set out in paragraph 24);
 - v) Note the 'first stage' Equality Impact Assessment
 - vi) Agree the proposed arrangements in respect of consultation and give delegated authority to the Head of Finance, in conjunction with the Communications team and Portfolio Holder to agree the final version of the material.

Policy Overview:

The Council Tax Support Scheme was introduced in April 2013 as part of the coalition government's welfare reforms and deficit reduction programme. Under the reform, the national scheme for council tax benefit (CTB) ceased on 31 March 2013 and was replaced by locally determined schemes from 1 April 2013. Local schemes were funded within a grant cap, which was 10% less than assumed subsidised expenditure under the CTB regime. Councils are not totally free to design support schemes as they think fit, but should observe some prescribed principles.

The Major preceptors have requested a review of the scheme in light of the continued level of reductions in their funding.

Financial Implications:

Council Tax Reduction is a discount applied to council tax bills and consequently reduces the tax base of the authority. In total the value of the discount awarded is £7.0m however

approximately only 10% of this cost is the responsibility of the Council with the remainder a cost to the major preceptors.

The costing for the changes to the scheme included within **Appendix A** represent the total cost and not this Council's share. They have been derived through simple modelling and more complex modelling will be completed subject to the outcome of the consultation process.

Equalities Impact Assessment

The changes have the potential to impact upon groups within society and a stage 1 EIA has been attached to this report at appendix C.

Risk Assessment

The risks are outlined in the report. It should be noted that the report is seeking permission to engage in a consultation exercise and therefore a risk assessment will be completed once approval for any changes to the scheme is sought.

Contact:

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Report Title: Review of the Council Tax Support Scheme

Purpose of the Report

1. To seek Cabinet's approval to consult on the proposed Council Tax Support Scheme as recommended by the Task Group.

Background

2. Local Council Tax reduction Schemes (LCTRS) were introduced in April 2013 when government abolished the old system of Council Tax Benefit and replaced this with a locally agreed discount scheme.
3. Government transferred 90% of the cost of Council Tax Benefit to Local Government and required billing authorities like Ashford Borough Council to establish their own schemes that maintained protection to the elderly and most vulnerable whilst providing an incentive to work.
4. After an extensive consultation process the Council adopted a variation of the Kent scheme (More details are included in **Appendix A**). This scheme was a 'benefits' based means tested scheme and has been in operation of the last 3 years.
5. The major precepting authorities have requested that the scheme be reviewed to ensure that it is still appropriate and seek to reduce the cost of the scheme due to the reductions in government funding.
6. As part of a county wide exercise a review of the scheme was commissioned and reported to the Council Tax and Welfare Reform Task Group. The report to the task group is attached to this paper at **Appendix A**, the detailed appendices are not reproduced but are available on the web site.

Task Group Recommendations

7. To do nothing would not have met the objectives of the review as there are changes in Housing Benefit coming which would mean the Council Tax reduction and Pension Age Council Tax reduction/ Housing Benefit schemes would diverge.
8. The Council could chose to increase the level of support available to Working age claimants to previous Council Tax benefit levels, whilst this would be easier to administer it would exacerbate funding issues and therefore is not a viable option.
9. The task group considered the review and options for the scheme. The options are outlined in the report. The task group concluded that on balance it was recommended to continue with a benefits based scheme similar to the scheme in operation at the moment. Primarily this was because the Council will continue to administer housing benefit for the foreseeable future and therefore it would be easier for staff and claimants to maintain and understand. The current scheme is also compatible with the council's systems and therefore administration would be simpler.
10. In order to meet the challenges of funding pressures, some adjustments to the 'current' scheme will inevitably need to be made. Initially, the major precepting authorities had suggested that we seek to reduce the cost of the scheme through an increase in the minimum contribution rate (currently

10.0% for working age claimants within Ashford Borough Council). Members may be aware that Medway Council has recently increased its minimum contribution rate to 35%. However, evidence from around the country suggests that there is a “tipping point” (somewhere between 20% and 25%) after which collection rates are affected significantly. This ‘tipping point’ tends to affect claimants on low or fixed incomes; particularly single persons and couples with no dependants. Increasing the minimum % that a working age claimant needs to pay beyond a “tipping point” could be counter-productive and unrealistic.

11. The Task group considered the menu of options for amending the scheme. The task group felt that the Council **should not** seek to make any changes to the level of protection offered to the disabled (and their carers) or changes to income disregarded.
12. However the group felt that it would be appropriate to seek views on the following options:

<p>Increase the minimum % payable</p>	<p>The current scheme requires a minimum payment of 5% deduction for disabled claimants & claimants caring for the disabled with all non-pensioner claimants making a minimum payment of 10% towards their council tax bill.</p> <p>Level of contribution varies significantly over the country. 76 councils having a nil contribution rate with 52 schemes having rates over 20%.</p> <p>Medway Council will be highest in Kent at 35% for 2016/17.</p> <p>Evidence there is a “tipping point” somewhere between 20% and 25% after which collection rates are affected significantly. ‘Tipping point’ severely affects applicants on low or fixed incomes particularly single persons and couples with no dependants. Increasing the minimum % that a working age claimant needs to pay beyond a “tipping point” could be counter-productive and unrealistic.</p> <p><i>Consider option of increasing minimum % to between 10-20%</i></p>
<p>Introduce maximum Council Tax band level within scheme</p>	<p>Any claimant living in a property with a higher Band that is set within the scheme would be limited to that band as far as any CTR support is concerned. For example, if maximum level is set at Band D, a claimant from house banded E,F,G or H would be limited in support they receive to equivalent of Band D.</p> <p>A number of authorities have adopted this option with the banding that is used ranging from a band D to as low as a band A. Within Kent, Band D would seem more appropriate as making this too low could disadvantage larger families.</p>

	<p><i>Consider option of introducing a maximum band cap at Band D</i></p>
Remove Second Adult Rebate	<p>A taxpayer can presently apply for up to 25% reduction on their liability when an adult moves into their home who is on a low income. The applicant would lose their single person discount but could apply for this reduction instead. The reduction is assessed on the income of the second adult and not that of the taxpayer who could have any level of income or capital.</p> <p>This has been removed in a number of authorities across the country and in East Kent. There is a limited number of cases in ABC so impact would be small.</p> <p><i>Consider option of removing Second Adult Rebate</i></p>
Reduce Capital limit	<p>Currently claimants are allowed to have capital (excluding property) of up to £16,000 and still be eligible to claim. This limit could be reduced and it is suggested that this should be reduced to £6,000 or roughly 4 years' worth of council tax. Used in a number of schemes around the country and is relatively simple to administer and is compliant with the system. This will have the effect of removing the entitlement of some claimants.</p> <p><i>Consider option of reducing capital limit to £6,000</i></p>
Introduce changes to non-dependant charges	<p>Introduce a standard charge for non-dependants who live in a property. Currently, non-dependant deductions can vary from £0.00 to £11.45 depending on level of income. A standard charge would be easier to administer and could contribute to savings within the scheme. Suggestion from group is £10 per week.</p> <p><i>Consider option of introducing a standard of £10 per week for non-dependant deduction</i></p>
Introduce Minimum income floor for self-employed claimants	<p>Currently self-employed claimants are asked to declare their own level of income, and it is not unheard of for it to be declared as nil (or close to nil) after taking into account expenses. Claims are difficult to administer and challenging self-declared income levels can be protracted and time consuming.</p> <p>The Universal Credit (UC) assessment criteria includes a clause whereby a self-employed claimant is allowed to declare nil income in their first year of operation and then after that initial period to establish the business they are then assessed at either their declared income or at a minimum income floor calculated at 35 hours per week times the Statutory National Living Wage. It may be necessary to consider an alternative for people who are unable to work full</p>

	<p>time (primarily single parents with young children).</p> <p><i>Consider introducing a minimum income floor for self-employed claimants (after a start-up period of one year) based upon the Statutory National Living Wage at 35 hours per week for full time or 16 hours a week for part-time workers</i></p>
Align Scheme with HB and Pension Age CTR changes	<p>Central Government has announced significant changes to HB including the removal of certain premiums, a limitation on the number of dependants that can be included in the calculation, and the limiting of backdating.</p> <p>If we are to retain a scheme similar to the current one, it will be important to ensure it is aligned with HB as far as possible to aid understanding as well as efficiency of processing. These changes will form part of the prescribed requirements for the Pension Age CTR scheme.</p> <p><i>Consider option of aligning regulations of 'base' CTR scheme with HB and (prescribed) Pension Age CTR scheme</i></p>

13. The Task Group was conscious of the potential that these changes would have to impact upon the most vulnerable residents, it was recommended that the Council consult on the introduction of an exceptional hardship scheme to provide a 'safety net' within the scheme.
14. A combination of some, or all, of these possible options may be required in order to achieve the objective of reducing overall costs. It is intentioned that the resultant scheme will retain some longevity, certainly until there is more certainty about the full roll-out of UC. An important feature of the new scheme should be the adoption of an Exceptional Hardship policy to protect vulnerable residents in severe financial hardship. This concept needs to be tested as part of the consultation.

Consultation Process

15. During the next few weeks, all of the Kent district councils will report similarly to their Members seeking authority to proceed in the way outlined within this report.
16. Prior to the implementation of any change to the Scheme, authorities are required to consult with the public. There have been a number of legal challenges to LCTRS consultations and it should be noted that a recent judgement handed down by the Supreme Court has defined what is meant by 'good consultation'.
17. The guiding principles which have been established through case-law for fair consultation are as follows:
 - The consultation must be carried out at a stage when proposals are still at a formative stage;

- Sufficient information on the reasons for the decision must be provided to permit the consultees to carry out intelligent consideration of the issues and to respond;
 - Adequate time must be given for consideration and responses to be made; and
 - The results of the consultation must be properly taken into account in finalising any decision.
18. Officers are currently working closely with the consultant in order to prepare robust and consistent consultation material that can be individually 'branded' by each district council within Kent. Each district council must consult on its own scheme and ultimately make its own decisions about the 'final' scheme following the consultation.
 19. Ideally it is hoped that all district councils will go out to consultation at around the same time. The project timetable agreed by all Kent district councils at the start of the review anticipates consultation commencing in early June and completing at the end of August, thus allowing 12 weeks for members of the public and other relevant stakeholders to comment.
 20. At the time of writing, a draft of the consultation material has been completed and is attached at **Appendix B**. Given the tight timescales, **it is recommended that authority be delegated to the Head of Finance, in conjunction with the Communications team and Portfolio Holder to agree the final version of the material.**
 21. It is anticipated that the consultation will be primarily web-site based, but it will be important to write to all claimants to draw their attention to the consultation and encourage them to participate by providing hard copy documents as appropriate. Additionally, it will be important to involve stakeholder groups such as the CAB, local debt advice agencies, registered social landlords and other organisations with a significant interest, to obtain their views.
 22. There is also a duty to consult with the major precepting authorities (County Council, Fire and Police) who are statutory consultees. Work has already commenced with the major precepting authorities and will continue throughout the project. At the time of writing, all major precepting authorities have advised that they are content with the proposals so far.

Equalities Impact Assessment

23. A stage 1 EIA has been completed with the help of the consultant as part of the assessment of the proposed scheme and is attached at **Appendix C**.

Other Options Considered

24. The Medium Term Financial Plan was reported to the Cabinet as part of the budget setting process. This showed that the Council is having to make savings, seek to generate income and increase council tax to compensate for the reduction in government funding. The Council is restricted by how much it can raise council tax annually without having a local referendum, and our reserves are finite.
25. Through our Corporate Plan, the Council has planned over the medium term to use reserves to deliver upon corporate priorities, including developing income generating assets.

26. The MTFP assumes, in the medium term, that the Council will increase council tax to the maximum it is permitted to do so without triggering a referendum. The Council could increase council tax further, but the costs of holding a referendum would need to be factored in, and the public would need to support the proposed increase.
27. Members will appreciate, therefore, that realistic alternative options to changing the CTR Scheme are somewhat limited. However, in the light of challenges to local CTR scheme consultations elsewhere, the question about alternative funding arrangements does still need to be asked of the public.
28. Thus, whilst it is not the preferred solution, the following questions are posed for completeness. Were any of these options to be supported and implemented, the impact would affect all residents in the Borough.
 - Should Council Tax be increased for all Council Taxpayers (beyond that already planned in the MTFP) to fund the CTR scheme?
 - Should Council reserves be used up to fund the scheme?
 - Should there be further cuts to Council services (over and above those already required) be made to fund the scheme?

Conclusion

29. The tax group has completed a detailed review and has made a sound recommendation to consult upon.

Portfolio Holder's Views

30. To be given at the meeting.

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Report Title: Review of the Council Tax Support Scheme

Purpose of the Report

1. To update members on the progress that has been made on the review of the Council Tax Support scheme.

Issue to be Decided

2. Note the work that has been completed on the review of the scheme
3. To agree the broad scheme framework for public consultation

Background

4. The Council Tax Support Scheme was introduced in April 2013 as part of the coalition government's welfare reforms and deficit reduction programme. Under the reform, the national scheme for council tax benefit (CTB) ceased on 31 March 2013 and was replaced by locally determined schemes from 1 April 2013. Local schemes were funded within a grant cap, which was 10% less than assumed subsidised expenditure under the CTB regime.
5. Councils are not totally free to design support schemes as they think fit, but should observe the following principles:
 - a. Localised schemes should provide support for the most vulnerable, including vulnerable pensioners. Legislation protects eligible pensioners from any cut to their benefit. Pensioners will be protected as national rules will be maintained with eligibility rates defined by regulations.
 - b. Localised schemes should assist with lifting the poorest off benefits and supporting them into work.
6. As part of the settlement for 2013/14 the Council received funding of £778,000. This was split between the locally retained business rates scheme (£311,000) and the formula grant (£467,000). The scheme was designed to be self-funding and not represent an additional burden on the council tax payer. After the first year government rolled this funding into the base figures and it is no longer possible to identify what funding the council receives for this function. However with formula grant being removed and the Business Rates tariff being increased it would be possible to argue that the greater proportion of this funding will have been eroded by the end of the settlement period, 2019/20. Therefore moving forward there will be a level of subsidy by the council tax payer towards the recipients of council tax support.
7. Support for council tax must be fully integrated into the council tax system with support being awarded as a reduction in council tax bills rather than as a benefit. Therefore whilst the scheme is set by the Billing Authority (Ashford BC) it covers the council tax levied by all the major preceptors and parish councils. Accordingly Government provided grants to the major preceptors to compensate them for the introduction of the scheme and made a nominal allocation of the grant paid to billing authorities to compensate parish councils. For the Ashford area government allocated a total of £6.9m. It is important to note that there is a duty on billing authorities to consult on any scheme or changes to the scheme with the major preceptors being consultees.

8. In order to maintain some consistency within the County the districts and major preceptors decided to agree a Kent wide scheme that would be varied subject to local variation. As part of this agreement the preceptors also agreed to fund some of the costs of administering the scheme contributing annually £125,000 to each billing authority. This was agreed for a 3 year period and expires in March 2016.
9. Over the summer KCC sought to reduce the grant that was paid to districts and requested that the billing authorities reduce the cost of the scheme by increasing the contribution rate.
10. District Councils argued that it would not be possible to conduct a thorough review of the scheme in the time scales suggested by KCC. In addition to this there was a great deal of uncertainty created by the unknown timetable for Universal Credit that would affect billing authorities ability to resource and operate any scheme, and the outstanding comprehensive spending review. It was therefore agreed to complete a thorough review of the scheme in time for adoption on 1st April 2017. To achieve this the authorities have agreed to commission an independent review of the scheme to:
 - a. Reduce the overall cost of the scheme
 - b. Consider whether the operation of the scheme could be made more efficient through the scheme design.
 - c. To create a framework of common principles for a new Kent wide scheme maintaining the protection to pensioners and the vulnerable and seeking to assist people into work.

The Kent Scheme and the adopted Local Scheme

11. The approach taken by all Kent Districts is in line with the vast majority of other authorities within England, in that they have decided to maintain a means tested benefit approach, albeit that this is given in the form of a discount.
12. The current Kent Scheme is as follows:

Districts agree a standard deduction (the minimum level of payment from a claimant) of 18.5% on all non-pensioner claimants, or an individual district may produce an alternative scheme that achieves the 10% cost saving of council tax discounts to claimants, AND

Districts agree to [at least] reduce the Class C council tax exemption on short term empty properties from 6 months to 3 months
13. The Scheme that was agreed for Ashford had some variations to the Kent Scheme with:
 - a. a standard deduction of 10% on all non-pensioner claimants
 - b. 5% deduction for disabled claimants & claimants caring for the disabled.
14. Within this scheme there was to be no direct funding of CTS by the council or its major preceptors, this was achieved through:
 - a. the removal of the 10% council tax discount for second homes

- b. the reduction in Class C council tax exemption (for shorter term empty properties) that is equivalent to reducing financial benefit of the exemption period from 6 months to a maximum of 6 weeks
 - c. applying a 50% council tax premium for longer term empty properties (empty for over two years)
15. The level of standard deduction varies across the county as detailed in the table below:

Table 1: Level of standard deductions across Kent

Authority	Standard deduction	Other changes
Ashford	10.00%	5% deduction for disabled and carers
Canterbury	5.00%	Removal of second adult rebate
Dartford	18.50%	
Dover	6.50%	Removal of second adult rebate
Gravesham	18.50%	
Maidstone	13.00%	
Sevenoaks	18.50%	
Shepway	18.50%	
Swale	15.00%	
Thanet	5.50%	Removal of second adult rebate
Tonbridge & Malling	18.50%	
Tunbridge Wells	18.50%	

16. A full list of schemes across England for 2015/16 is provided at **Appendix A**. The vast majority of councils have introduced a scheme similar to the Kent Scheme, with 42 of 326 maintaining 100% support for working age claimants.

Welfare Reform and Universal Credit

17. The introduction of Council Tax Support was part of the first wave of the welfare reform agenda, and since then there have been a number of changes to the benefits environment that have been reported through to the welfare reform task group.
18. It has been within this environment of constant change that the Council's CTS scheme has operated and there have been a number of changes made to the scheme to keep the eligibility criteria in line with the national housing benefit scheme.
19. Government has been working on the implementation of Universal Credit, that when fully rolled out will see all of the council's working age Housing Benefits claims transfer to the new benefit. This change will ultimately have a significant impact on the operation of the Council's Revenues and Benefits team as workload and therefore the timetable for this roll out will need to be considered as part of the review of the CTS scheme. Government initially intended the rollout to be complete by 2017, however there are still early trials of the digital platform that is an essential springboard

Options

20. As part of the review an options appraisal was conducted to review the types of scheme that are in operation and to test their suitability for Kent. The full options appraisal is contained in **Appendix B**.

Maintain Current Scheme

21. This proposal would maintain the current scheme with no changes, this scheme has been successfully implemented and operated by all authorities. The scheme is however complicated (being based on the old benefit system) but while Housing Benefit is still in place the schemes can be operated and administered together. There are due to be significant changes to the benefits system over the next 2 years and so there will need to be some modification to the scheme.

Introducing a Total income based discount scheme (banded)

22. This scheme would look to calculate the total income of the applicant and partner and apply their income against a banded discount scheme. Currently no authority has a similar scheme in operation. Whilst the scheme would be relatively straightforward in terms of calculation, the complexity comes when the scheme is established considering the number and size of the bands, whether income should be disregarded (e.g. DLA, Child Benefit, Etc.). Whilst the scheme would be simple it would require additional information to be gathered from claimants, which would need to be updated, and the scheme cannot be properly accommodated within the software systems.

Passported plus income based discount (banded) scheme

23. This is identical to the previous scheme, however any applicant who receives a passported benefit will automatically be placed on the most generous band. There is only one scheme like this in operation. The scheme will have a minimum payment cut-off (like our current scheme) and is relatively simple to understand. However as the majority of claimants would receive a passported benefit so automatically default to a single band the attractions of this scheme are diluted. The current system has been developed to accommodate this scheme but this would need resources to be allocated to test and implement the module should this be an option.

Simplified Means Test with discount outputs

24. This works in the same way as the current system but translates the means test into a discount band. Therefore if a claimant were to change their earnings they may remain in the same band and therefore a new council tax demand notice would not need to be produced. This has the potential to reduce some administration costs but the systems providers are not able to clarify whether their systems could be adapted to support this scheme.

Total Household income scheme

25. This scheme seeks to include all non-dependant (e.g. adult son or daughter) income in the means test based on the ethos that the whole household should contribute towards the Council Tax. One authority has implemented a similar scheme. The scheme would be more complicated to administer as details of all household incomes would need to be collected and the systems would not allow for this information to be entered automatically and so this would become a manual process. However because of the potential for more income to be included in the means test it is expected to deliver savings.

Selecting a preferred option

26. The options appraisal has resulted in the assessment that the most practical option would be to maintain a scheme similar to our current scheme as this is known to our claimants, our systems are adapted for this scheme, and our staff are familiar with the administration of the scheme.
27. One consideration in this has been the roll out of Universal Credit and whether the Council will need to maintain a skill set for the administration of housing benefit. With the roll-out delayed and not likely to be completed until 2021 and the likely retention of pensioner case load, it is anticipated that the council will retain a workforce that has the skills to administer the scheme. In addition to this the council operates a scheme of generic working where staff can process both council tax support and housing benefit and maintaining a synergy between the schemes has certain attractions.
28. There are however a number of amendments that can be made to the scheme to reduce the overall cost of the scheme and to maintain fairness.

Level of contribution

29. Currently the Kent default scheme has a minimum taxpayer contribution rate of 18.5% and Ashford has a contribution rate of 10%. The 18.5% was set at a level to ensure that the scheme would be cost neutral with the income collected from claimants, additional income from changes to exemptions and discounts, offsetting the 10% cut in the funding received. As can be seen from table 1, several Kent Districts have schemes with lower contributions than the default level, this being achieved by local changes to other council tax exemptions and discounts.
30. The major preceptors have requested that we seek to reduce the cost of the scheme and a simple option to do this is to increase the level of minimum contribution rate. The preceptors argue that it is no longer funded to the same level for Council tax support due to reductions in formula grant and therefore the scheme needs to be made less generous. A balance needs to be struck between this view and the need to collect the payments from the taxpayer and maintaining the fairness of the scheme. As this is a discount in the level of council tax due the main beneficiary is the County Council and the billing authority has to manage the collection and recovery of any debts.
31. The level of contribution varies significantly over the country with 76 councils having a nil contribution rate with 52 schemes having rates over 20% with the maximum contribution rate of 30% although Medway Council looking to increase theirs to 35% for 2016/17.
32. It should be remembered that this debt needs to be collected and there is evidence to suggest that once contribution rates exceed 20% the debt become increasingly difficult to collect and beyond a contribution rate of 25% this difficulty increases further.
33. At a contribution rate of 10% our collection levels are good, collecting in total 87% of the balance due although this drops to 80% when looking at only working age claimants.

Table 2: Collection Level for Council Tax Support Claimants

2015/16	Liability	Paid	% collected at 25.2.16
Pensioner	702,224.40	681,439.20	97.04
Disabled	276,415.39	252,667.49	91.41

Working Age	1,148,630.93	920,569.68	80.14
2014/15	Liability	Paid	% collected at 25.2.16
Pensioner	706,389.24	694,123.17	98.26
Disabled	286,514.53	249,563.65	87.10
Working Age	1,176,382.98	1,017,614.85	86.50
2013/14	Liability	Paid	% collected at 25.2.16
Pensioner	674,259.51	664,344.67	98.53
Disabled	243,296.10	223,189.40	91.74
Working Age	1,090,941.08	1,001,254.98	91.78

34. Neighbouring authorities with contribution rates of 18.5% and 15% are experiencing collection levels of circa 80% for working age claimants. Medway council with a contribution rate of 25% is collecting between 60-70% of the balance due. Other taxpayers must therefore compensate for this difference.
35. Whilst performance can be affected by a number of factors a balance needs to be struck between the needs of the Major Preceptors and the collectability of the debt. Without a significant increase in the resources devoted to the collection of CTS debt it is recommended that the contribution rate be no greater than 20%.

Other options

36. The review so far has concentrated on the type of scheme and contribution rate, but there are a number of other options to reduce the cost of the scheme and to maintain the fairness of the scheme. Below are a number of options that could be built into the current scheme and reduce cost, the cost estimates are broad estimates and based on crude modelling, these options are inter-related and the selection of the options will affect any level of saving generated.

Banding Cap

37. This is a similar basis to the change in liability percentage where the scheme would look to limit the payment of Council Tax support to an agreed banding. The purpose of this would be to not disadvantage those claimants who live in smaller or lesser value properties. A number of authorities have adopted this measure with some success with the banding that is used ranging from a band D to as low as a band A.
38. If an applicant were to reside in a property that was in a banding higher than the cap then they would receive support at the level of the cap.
39. The level of cap is normally determined by the authority and if this were to be adopted on a county wide basis consideration would need to be given to the diverse nature of the county. The majority of applicants that would be affected would live in larger properties and would therefore be either capital rich but income poor or larger families.
40. Setting the level of cap to allow the majority of claimants to be unaffected would limit savings but setting it too low could disproportionately affect larger families.

41. Having reviewed the claimant levels of Ashford BC and other Kent authorities a cap at band D would seem to strike the appropriate balance. The modelling outcomes suggest that this would affect 225 claimants saving approximately £45,000.

Minimum Income Floor

42. Currently self-employed claimants are asked to declare their own level of income. This could be as low as zero. The Universal Credit assessment criteria have a clause where by a self-employed claimant is allowed to declare nil income in their first year of operation and then after that initial period to establish the business they are then assessed at either their declared income or at a minimum income floor calculated at 35 hours per week times the Statutory National Living Wage.
43. It may be necessary to consider an alternative for people who are unable to work full time (primarily single parents with young children). This would be calculated at the Statutory National Living Wage at 16 hours per week.
44. Based on the current scheme this would reduce the cost by approximately £100,000-£150,000 and affect 250 claimants.

Capital limit

45. This option is used in a number of schemes around the country and is relatively simple to administer and is compliant with the system. Currently claimants are allowed to have capital (this excludes property) of up to £16,000 and still be eligible to claim. This limit could be reduced and it is suggested that this should be reduced to £6,000 or roughly 4 years' worth of council tax.
46. This will have the effect of removing the entitlement of some claimants, the modelling suggests that this would save approximately £40,000 and affect 50 claimants.

Non Dependants

47. This seeks to introduce a charge to ensure that non dependants who live in a property contribute to the council tax. Therefore a standard charge would be introduced for non dependants, at a level of £10 per week per non dependant; for a household with two non-dependants the majority of any CTS award would be eroded by this charge.
48. Given the changes with children living at home for longer this amendment will fit in with these changes and therefore maintain the fairness of the scheme but it would require the council tax payer to be responsible for securing a contribution from the non-dependant.
49. The modelling suggests that this could save between £75,000-£100,000 and affect up to 750 claimants.

Disregarded income

50. Within all Council Tax Support Schemes in Kent certain incomes are disregarded in full, which means that they have no impact on the level of support granted. Certain incomes are disregarded that until recently were included within benefits schemes, for example Child Benefit and Child Maintenance, these incomes were included within Council Tax Benefit Schemes until as recently as 2009. Nationally twenty two schemes include this income within the calculation.

51. These incomes have been modelled and Child Benefit would affect 1,500 cases saving £280,000 with child maintenance affecting 200 cases and saving £20,000.
52. Other income that could be considered for inclusion in the calculation are Disability Living Allowance (DLA) and Personal Independence Payments (PIP). These incomes are currently considered when calculating discretionary housing payments but not included within the calculation of Housing Benefit and Council Tax Support. The inclusion of this income could create issues around the equalities impact assessment and at this stage have not been included within the modelling.

Support for the disabled

53. The Council's scheme has a special protection for the disabled, which is unique in Kent. This limits the level of contribution to 5% for the disabled and carers. If this support were to be removed it would save £90,000 and affect 1,700 taxpayers.
54. There is an argument that the support should not be awarded on an arbitrary basis but should be assessed on a needs based approach considering the income of the claimant and taking into account any hardship.
55. The review has found that where an authority does not offer additional support for the disabled but has a hardship fund, the main type of applicant for hardship have been working age people and not disabled people. This seems to be because the welfare changes that have hit young single people harder than other claimant groups resulting in more cases of hardship in that group. This does raise the question of whether the support that is offered in the current scheme for the disabled is correctly targeted. It is suggested that this support be replaced with a hardship fund which all applicants can apply for additional support. This is detailed later in the paper.

Second Adult Rebate

56. This is a change in the discounts that are offered on Council Tax and would be considered outside the CTS scheme in the same way that the removal of the second homes discount or reduction in the class C, empty property, discount was considered.
57. The reduction is where a tax payer can apply for up to a 25% reduction on their liability when an adult moves into their home who is on a low income. The applicant would lose their single person discount but could apply for this reduction. The reduction is assessed on the income of the second adult and not that of the taxpayer who could have any level of income or capital.
58. This has been removed in a number of authorities across the country and locally this has been introduced in the three East Kent authorities.
59. This change has been modelled for Ashford and would affect 50 claimants and save £8,000.

Dealing with cases of Hardship

60. It is proposed that an Exceptional Hardship Fund is introduced as part of the scheme. Applications would be accepted where claimants have qualified for Council Tax Support but are in need of further support due to severe financial hardship.
61. Typically these schemes have an application process, applicants will need to:

- a. Undergo a separate application process to the CTS application
 - b. Provide details of their income and expenditure
 - c. Satisfy the authority that they are unable to meet their council tax liability in full or in part.
 - d. Accept assistance from the council or other bodies to support them in managing their finances more effectively. E.g. reviewing outgoings to reduce tariffs on utilities, etc.
 - e. Identify changes in payment arrangements to assist the claimant.
 - f. Assist the authority in minimising the liability by ensuring that all discounts, exemptions and reductions are properly granted.
 - g. Demonstrate that all reasonable steps have been taken to pay the liability
 - h. The applicant has no access to assets that could be realised to pay the liability
 - i. The applicant has maximised their income through claiming other benefits.
62. The administration of the scheme will be the responsibility of Ashford BC and as part of the assessment officers would consider:
- a. Current household composition and specific circumstances including disability or caring responsibilities
 - b. Current financial circumstances
 - c. Determine what actions have been taken to alleviate the situation.
 - d. Consider alternative means of support that may be available to the applicant by:
 - i. Re-profiling council tax and other debts
 - ii. Applying for DHP or housing benefit
 - iii. Maximising other benefits
 - iv. Consider whether spending priorities can be re-arranged.

Recommended scheme for consultation

63. It is recommended that the basis of the schemes within the Kent Districts remain the same in the short and medium term (until full roll out of Universal Credit and the move to localised Housing Benefit). This will retain the standard means tested approach until at least 2019/20. It is recommended that this will allow the schemes to evolve alongside the welfare reforms and that consideration will be given at that later time as to whether a more radical approach should be taken.
64. That the current schemes be amended in line with the proposed changes to Housing Benefit to align both schemes and to avoid increases in administration costs
65. It is recommended to consult upon a maximum level of contribution up to 20%.
66. It is recommended to consult upon the following proposed changes:
- a. Introducing a band cap at a band D

- b. Introducing a minimum income floor for self employed based upon the Statutory National Living Wage at 35 hours per week for full time or 16 hours a week for part time work.
 - c. Reducing the capital limit to £6,000
 - d. Introducing a standard non dependant deduction of £10 per week.
 - e. Including Child Benefit and Child maintenance in the assessment of income
 - f. Removing the additional support for the disabled.
67. To provide a 'safety net' for all households that are deemed vulnerable through the introduction of an Exceptional Hardship Fund.

Equalities Impact Assessment

68. The Public Sector Equalities Duty requires the Council to have 'due regard' to the equality impact of any proposal which involves the change (or reduction) of service provision to residents. The principal way by which compliance with equalities law can be demonstrated is by completing an Equalities Impact Assessment (EIA), to be made available to members when taking the final decision on the proposals.
69. If an EIA contains insufficient data or evidence that equalities issues have been taken into account when preparing final recommendations to members, the decision runs a risk of later legal challenge.
70. One of the key means to develop the equalities assessment needed at the time of final decision is through the results of the planned public consultation on the options under consideration. These outcomes will be used alongside other relevant equalities data which the Council holds. This will ensure that members are aware of the equalities implications of proposals when making their decision.
71. In agreeing the recommendations, Members are asked to note the potential impacts on the protected characteristics of age, sex and disability (including carers) at this stage. As decisions about the modifications to the scheme will not be taken until after the consultation, it is not yet possible to identify if any mitigating actions are required. A full equality impact assessment will be completed and the results will be reported to Cabinet, following the completion of the consultation.

Consultation

72. There is a statutory requirement for the council to consult on changes to the scheme and
73. The lead authority is required to consult with the major precepting authorities as they will share the risk of the new scheme. Consultation must also take place with the public and other interested parties. A minimum 8 week consultation period is recommended.
74. When the last scheme was introduced a full consultation exercise was completed that complied with the standards set by the institute of consultation. It is proposed to follow a similar process as before.

Handling

75. The Task Group is asked to consider the proposed scheme for consultations and make a recommendation to Cabinet that the Council consults with residents and stakeholders on the scheme as presented in the report.
76. A Communications plan for the consultation exercise will be drafted.
77. The Consultation period will be for 12 weeks and be run concurrently with other Kent Districts over June - August.
78. The Task Group will receive a report in the autumn with the outcome of the consultation exercise with a view to making final recommendations to Cabinet for the 2017/18 scheme in the autumn.

Ashford Borough Council

Changing our council tax support scheme – the details

Accompanying document to provide guidance to those responding to the council tax support scheme consultation for the financial year 2017-18

Published [date tbc]

Foreword

Council tax support is an essential safety net for thousands of individuals and families across the borough. For the people who receive it, council tax support is just that – support in paying their council tax, helping them with any financial shortfall until they are able to return to work. It is a localised system that reduces the amount of council tax charged for those whose combined income, savings and investments fall below a certain level.

The existing scheme has been in place, with some minor changes, for four years. Our existing scheme is as fair as possible, upholding the principles of the government's welfare reforms while offering greater support to those who will find that returning to work is more challenging (such as disabled claimants).

Now Ashford Borough Council and all other local authorities in Kent have been asked to undertake a comprehensive review of our schemes and ask existing claimants and other interested residents and organisations for their views on a revised version of the scheme.

With public-serving organisations facing shortfalls in funding from central government, we have been asked by the major preceptors (such as Kent County Council and Kent Police) to consider revising our scheme so that the money available to fund the services that are provided to you by them stretches further.

My colleagues and I at Ashford Borough Council have been faced with some difficult choices about what options to consult on. Not everyone will receive the same level of support as they do now and you will note that we have had to be pragmatic about who will receive our financial support, and how much they will get, in the forthcoming financial year.

This document gives you greater background to the proposed changes, tells you what our thought processes have been in trying to devise a system that is as fair as possible, while ensuring that services across the county – our own services, education, adult and social care and highways services provided by Kent County Council, and Kent's policing and fire and rescue services – can continue to be maintained.

We have clearly indicated what decisions we have already taken and what remains up for debate. Now it is over to you.

We believe we have revised the system fairly, and that it remains in line with the needs of our communities. In addition to supporting the most vulnerable, it still incentivises work, upholding the principal aims of the government. Now we want your views on the proposals we are putting forward.

This consultation runs from **6th June – 29th August** and we want to know what you think of the proposed revisions. We want to hear from as many people as possible – from those of you who are directly affected to those of you who have an interest in this topic because of the organisations you represent.

Your views are very important to us so please get involved so we can ensure we still have in place a fair local system that works for those in Ashford who need the

support most.

Cllr Neil Shorter

Portfolio Holder for Finance & Budget, Resource Management and Procurement

Introduction

Council tax support is a localised system that means households whose combined income, savings and investments are below a certain level qualify for a reduction in the amount of council tax they have to pay.

Ashford Borough Council was required to set up a new, local system on 1st April 2013. That scheme has run, with some minor changes, for four years. It upholds the principles behind the government's introduction of the scheme – i.e. to encourage people who are of working age to return to work and show that work pays.

The scheme asks those people of working age who are eligible for council tax support to contribute something towards their council tax bill, while protecting vulnerable groups.

The council has adopted these principles within its localised scheme – indeed it is proud to have been the only borough in the county to offer disabled claimants additional support, as they will obviously find returning to work more difficult.

With the government continuing to address the level of national debt the amount of money it provides to all public-serving organisations is reducing – hence why Ashford Borough Council has been proactive in securing additional revenue streams, such as purchasing International House and setting out its intention to acquire the town centre cinema and leisure complex at Elwick Place.

The major precepting authorities (for example, Kent County Council and Kent Police) have asked us to consider revising our schemes as they too are facing reductions in funding from central government and are keen to ensure that they can maintain their services to you by increasing the money they receive through council tax payments.

(diagram to be included here from council tax bill leaflet)

Remember, that when you pay your council tax to Ashford Borough Council, we only keep 10p from every £1. We distribute the rest to Kent County Council (73p in every £1), Kent Police and Crime Commissioner (10p), Kent Fire and Rescue Services (5p) and if you live in a parished area, your town or parish council (2p).

We want your views

If you are in receipt of council tax support currently, if you are likely to be affected by the proposed changes, or if you are just interested in the welfare reform agenda (as an individual or as part of your involvement with a charity or other public-serving organisation) we want to know what you think.

Only by asking for your views can we then use your responses to consider the impact of the revised proposals we are setting out. Once we have taken your considered views on board our councillors (at public meetings that you can attend) will then determine the revised localised system that will be formally agreed by 31st January

2017 and will come into effect on 1st April 2017.

DRAFT

What has been determined so far?

From the outset, back in 2012, the government has said that pensioners must receive similar support to that which they currently receive so that they are not affected by the introduction of council tax support. Therefore, they will not be affected by any of the changes that we are proposing here.

We want to end up with a revised council tax support scheme that minimises the impact of the reduction in government funding on our tenants, residents and the other stakeholders in our borough. It is important that our revised scheme strikes the right balance and that those in receipt of council tax support, other taxpayers and other groups feel that our scheme is as fair as possible.

We feel it is reasonable for us to approach the consultation with some well-informed decisions already having been taken. This is because:

- We have to bear in mind what the scheme is and is not allowed to include
- We feel we should continue to uphold the government's underlying principles in encouraging claimants of working age to return to work
- We have to bear in mind the current situation with public finances and how this affects other organisations that provide services to residents of our borough.

In order to protect Ashford Borough Council against the economic pressures that all councils continue to face we have policies in place that have been pre-agreed through long-term and medium-term financial strategic planning. Reports on our finances are presented to our senior councillors (known as cabinet members) at the monthly cabinet meetings that are open to the public.

Some elements of the revised localised scheme have therefore already been provisionally agreed. **The following points, therefore, are not being considered as part of the consultation** and so cannot be influenced by any comments we receive during the consultation process:

Our strategic thinking

- We agree that we must ask working-age council tax support claimants to contribute an additional sum towards their council tax to make all public services delivered in our borough sustainable
- We will not be significantly increasing our element of council tax to fund this as we are committed to delivering the lowest council tax in Kent
- No other council services will be reduced, as we must preserve those council services that residents have told us they value and want us to provide
- Fees and charges for other services, for example parking, licenses or burials, will not be increased to fund this shortfall

Specific decisions already taken

- We are going to continue to exclude pensioners from the scheme
- We will proudly continue to offer disabled claimants additional support
- While we have considered completely different schemes based on an applicant's or household's total income, a simplified means-tested assessment of all applicants, and considerations for those claimants on what are referred to as 'passport benefits' (through existing entitlement to other

benefits or tax credits), we believe the best and most reasonable way forward is to just revise the existing scheme, which has worked well

- We have considered but agreed to not proceed with taking into account incomes such as child benefit and child maintenance. Across the country, 22 authorities do include these two incomes within an overall income assessment but Ashford Borough Council will continue to disregard them and not take them into account when assessing the income of a household
- The council will set up a hardship fund as part of the revised scheme in order to provide additional support to those who are facing severe financial hardship. Each case will be considered on its own specific circumstances.

The council's proposed revisions

These are the specific proposals that the council is considering revising as part of its council tax support scheme from the financial year 2017-18, and that form the basis of this council tax support consultation.

- Previously, the maximum level that anyone in receipt of council tax support was asked to pay towards their council tax was up to 10% - under the revised scheme they will be asked to pay between 10% and 20%
- Those claimants who live in a property that is classified for council tax as being in Band E, F, G or H will only receive the same support as claimants living in a Band D property
- Those claimants who state they are self-employed will be presumed to be earning the statutory national living wage (NLW) – so their minimum income will be deemed to be the NLW x 35 hours (for full-time self-employed claimants) and the NLW x16 hours (for part-time self-employed claimants)
- Previously, claimants with savings up to £16,000 were eligible for council tax support – the revised scheme states that the maximum amount of savings claimants can have is £6,000
- Those claimants with adult sons/daughters living at home will receive a deduction of £10 per week per non-dependent child

What can still be influenced by those consulted?

The proposed revisions to the council tax support scheme (listed above) are elements of the revised system that have not yet been determined. We are open to being influenced by your responses and will carefully consider your opinions. The consultation questionnaire does ask those who respond to suggest alternative solutions and to express why they disagree with the proposals, so that we can clearly see the thoughts and threads that are put forward.

When we consulted in 2012 about the original council tax support scheme, we did amend the preferred option we consulted on in the light of some of the many considered and constructive comments made by our residents.

Examples

To help you understand how the council's proposed local system for council tax support would work we have made up the following examples.

(Two pages of sample case studies to be produced by Revenues and Benefits and included in the document to illustrate how the proposed changes could affect claimants)

DRAFT

How to get involved

Between **6th June – 29th August** Ashford Borough Council is asking residents, public-serving organisations and charities who will have an interest in the proposed changes what they think of the council's revised scheme.

To take part in the consultation you need to complete our council tax support questionnaire. This, and the more detailed document, is available at: www.ashford.gov.uk/counciltaxsupport

If you have any further questions please:

- Email counciltaxsupport@ashford.gov.uk
- Phone 01233 331111
- Visit the Civic Centre, Tannery Lane Ashford

Following the consultation

Once the consultation has closed we will evaluate all of the responses we receive and consider them, providing they comment on the elements of the proposed system that have not yet been determined.

We will publish the results of the consultation on our website (via a link on the council tax support web page mentioned above) and anticipate that a report will be reviewed by our cabinet members in November 2016.

Their recommendations will be referred to all of our council members for consideration at our full council meeting in December 2016. The report considered by our elected members will set out clearly what has been taken into account following the consultation and will detail what has changed as a result of your responses.

The final revised system will be explained to residents in the report that is presented to the cabinet meeting, in our residents' e-publication *Ashford Voice* (www.ashford.gov.uk/voice), in our council tenants' magazine *Housing News*, on our website and social media pages, and through the local media.

We believe that we are being open and accountable about the process involved and what the outcomes are.

Difficulty in understanding this leaflet? Need it in Braille, large print or on audio tape? For translations or interpretations please contact us and we will do our best to help.

Telephone: 01233 331111 Email: customer.care@ashford.gov.uk

(Ashford Borough Council logo, line of people from previous consultation literature in 2012)

Appendix C – Equalities Impact Assessment

Scope of the Equality Impact Assessment

A full Equality Impact Assessment will be produced after consultation and will examine the potential effects of each of the changes if any of the options were to be considered by the Council.

Pensioner protection will be achieved by keeping in place national rules, which broadly replicate the current council tax benefit scheme, which existed prior to 1st April 2013.

It is not proposed to affect the protection for the disabled and carers that is currently within the scheme although the entitlement of some disabled people may be effected by changes such as the non-dependency charge, banding cap, and capital limit.

The Council must give consideration to the effects of the options on working age claimants, in particular, vulnerable groups.

Central Government has not been prescriptive in how it does this but points to the Council's existing responsibilities including the Child Poverty Act 2010, the Disabled Person Act 1986 and the Housing Act 1996 as well as the public sector equality duty in section 149 of the Equality Act 2010.

Method of Consultation

The Council will use the following methods to obtain the view of taxpayers.

Stakeholders	Methodology
1. Existing claimants (both working age and pensionable age)	Web based questionnaire Claimants to be directly notified of consultation Hard copy documents to be provided as necessary
2. Council taxpayers and service users generally	Web based questionnaire Hard copy documents to be provided as necessary
3. Interested organisations and groups.	Web based questionnaire Organisations with significant interest to be notified directly Hard copy documents to be provided as necessary
General Awareness	
Provision of information and awareness raising of changes and proposals	News releases Face to face communication at customer service points Information in libraries/surgeries and other public venues The Council's Website and Social Media

Analysis and Assessment

A full analysis and assessment will be made after public consultation when the impact of these changes will be fully modelled and the impacts assessed. Details of responses will also be provided as part of the second stage Equality Impact Assessment.

First Stage – Potential Impacts

Area of impact	Is there evidence of negative, positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
Age	Negative Impact	There may be a reduction in support given to certain working age groups based on the changes. This will be subject of public consultation	<p>The Council will ensure that it operates within a lawful and balanced way. The financial impact on the Council due to the reduction in the grants received from central government require the Council to adopt a local scheme that takes into account the need to protect the most vulnerable in our community and all local taxpayers.</p> <p>The introduction of changes will provide the Council with the opportunity to apply the principles to ensure that the Council meets the public sector equality duty under the Equality Act 2010.</p> <p>The reduction in financial support is necessary to protect the interests of taxpayers in general and to preserve the ability for the provision of key services.</p>	<p>Should any of the proposals be adopted there will need to be safeguards. This will take the following forms:</p> <ul style="list-style-type: none"> • The existing means tested scheme will be maintained and the most support will be given to those on lowest income. • Certain groups will continue to receive additional help under the scheme through the provision of premiums and allowances, e.g. Disability Premium, Severe Disability Premium, Enhanced Disability Premiums etc.; • The Council is proposing the adoption of an exceptional hardship policy which would be available for those claimants in most severe financial need
Disability	Negative Impact	<p>It is not proposed to change the level of contribution for disabled claimants so this element of the scheme will be unchanged from the existing scheme.</p> <p>However if changes are agreed that will limit capital, banding caps, etc there is the potential that this will impact upon the eligibility or entitlement of disabled claimants.</p>	<p>The scheme treats people with disabilities and carers more favourably by disregarding some incomes, resulting in a higher council tax reduction.</p> <ul style="list-style-type: none"> • All claimants (including those with protected characteristics) have received a reduction in their benefit amount. • People with disabilities now receive more per week, on average, than people without disabilities. • Claimants with a carer in the household continue to receive more per week, on average, than claimants without a carer in the household. 	<p>The Council is under no obligation to offer protection to those of working age who are in receipt of any disability benefits.</p> <p>The Council's existing scheme that provides additional premiums to disabled persons limiting the level of contribution to 5%. It is not proposed to alter this at this time</p> <p>All applicants will have access to the exceptional hardship policy should they experience exceptional hardship.</p>

Area of impact	Is there evidence of negative, positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
		This group may tend to have more non-dependents in their household due to their care needs.		
Gender Reassignment	No impact – Eligibility not affected by this area	Other than that for working age claimants generally		
Marriage & Civil Partnership	No impact – Eligibility not affected by this area	Other than that for working age claimants generally		
Pregnancy & Maternity	No impact – Eligibility not affected by this area	Other than that for working age claimants generally		
Race	No impact – Eligibility not affected by this area	Other than that for working age claimants generally		
Religion / Belief	No impact – Eligibility not affected by this area	Other than that for working age claimants generally		
Sex (male or female)	Possibly - Eligibility for council tax support is not based on a person's sex	There is the potential that changes to non-dependants and second adult rebate could effect a greater proportion of female claimants		
Sexual Orientation	No impact – Eligibility not affected by this area	Other than that for working age claimants generally		

Area of impact	Is there evidence of negative, positive or no impact?	Could this lead to adverse impact and if so why?	Can this adverse impact be justified on the grounds of promoting equality of opportunity for one group or any other reason?	Please detail what measures or changes you will put in place to remedy any identified impact (NB: please make sure that you include actions to improve all areas of impact whether negative, neutral or positive)
HR & workforce issues	Not known at this stage		<p>The overall scheme design is similar to the existing scheme and it is not anticipated that the changes included in this consultation will impact on the staffing levels required to administer this discount.</p> <p>The Council will, in any event, monitor the overall impact of work and resource accordingly if the preferred scheme is adopted and undertake a full EQIA screening on the impact of HR workforce issues.</p>	
Human Rights implications if relevant	n/a			

Agenda Item No: 7
Report To: Cabinet
Date: 12th May 2016
Report Title: Public Toilet Provision via a Community Toilet Scheme
Report Author: Tracey Butler, Environmental Contracts and Operations Manager and Jo Wynn Carter, Town Centre Regeneration Manager.
Portfolio Holder: Councillor Mrs Clair Bell

Summary:	This report considers the potential future provision of public toilets facilities in and around Ashford town centre. This involves moving away from offering facilities in the ownership of Ashford Borough Council, to facilities owned and operated by third parties, with the support of Ashford Borough Council.
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Key Decision: YES

Affected Wards: Victoria, Godinton, Stour

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

1. Approve the development of a Community Toilets Scheme for Ashford town centre.
2. Task the Head of Environment and Customer Services with the implementation of a Community Toilet Scheme in support of Priority 4 of the corporate plan.

Policy Overview: The Public Health Act 1936 gave Local Authorities the power to provide public toilets but no duty to do so. Although Ashford Borough Council does not have a policy on the provision of public toilets, alongside most other local authorities at the time, we did take up that power. With limited resources, most local authorities have now chosen to make no provision at all going forward or are looking for alternatives that offer at least a comparable service or an improved offer. This report outlines a policy option that is designed to support Priority 4 of the corporate plan, Attractive Ashford.

Financial Implications: None at this stage, a cost neutral exercise with any savings being diverted to invest in other sites.

Risk Assessment See below

Equalities Impact Assessment YES and attached as appendix 1.

Other Material Implications: N / A

Exemption Clauses: N / A

Background Papers: Nil

Contacts: tracey.butler@ashford.gov.uk – Tel: (01233) 330875

Report Title: Public Toilet Provision via a Community Toilet Scheme

Purpose of the Report

1. The report outlines an alternative public toilet provision to that traditionally provided from council owned facilities.

Background

2. With effect from 1st April 2014, Ashford Parish Councils and Tenterden Town Council took control of public conveniences within their areas.
3. The public toilet provision in and around Ashford town centre remained and includes facilities at Vicarage Lane, New Rents and Victoria Park. Vicarage Lane and New Rents are open to the public from 8am – 5pm Mon – Sat (closed on Sundays). Victoria Park is open to the public 8am – 5pm Mon – Sat and 10 – 4 pm Sundays and bank holidays. The only exception is where Vicarage Lane toilets are open on the first Sunday of each month, in line with the Ashford Farmers market.
4. All of these facilities are subject to a high level of vandalism and abuse but most particularly at Vicarage Lane and New Rents. These 2 toilet blocks are under repair each week (sometimes twice a week) following vandalism ranging in severity from minor repairs (e.g.; toilet seats smashed) to major repairs that temporarily close the facilities whilst repairs are undertaken.
5. Needles are regularly found in varying quantities by members of the public and cleaning / maintenance staff, especially in Vicarage Lane toilet block. This has led to extensive complaints to the Street Scene and Open Spaces Team about the condition of facilities but also complaints about a reluctance to use facilities that are not perceived as safe to use.
6. Toilets at Vicarage Lane and New Rents are regularly closed due to flooding where toilets are deliberately blocked, causing flooding from surcharging effluent.
7. Due to the poor state of the surface of the walls, the internal surfaces of the toilets are not easily cleaned or kept clean.
8. The disabled toilet in Vicarage Lane is not easily accessible for wheel chair users. There is an inclined ramp access with an outward opening door, making the toilet entrance difficult to navigate.
9. The Street Scene and Open Spaces Team have explored the opportunity for alternative town centre provisions (building alternative accommodation) but this has not proved possible.
10. The Public Health Act 1936 gave Local Authorities the power to provide public toilets but no duty to do so. Most Local Authorities at the time did take up that

power but many, over time and with dwindling resources, have either chosen to make no provision at all going forward or are looking for alternatives that offer at least a comparable service or an improved offer.

11. The Street Scene and Open Spaces Team have investigated the “Community Toilet Scheme (CTS)” model as championed by Richmond Borough Council and taken forward by a neighbouring authority in Kent, Maidstone Borough Council.
12. This involves the participation of businesses in the town working in partnership with the council to offer their clean and monitored toilet facilities to members of the public, through a well publicised and sign posted scheme.
13. The schemes are well supported in both Richmond and Maidstone.
14. Maidstone has recently refreshed their scheme to bring in new businesses to support the scheme and their experience of running the scheme to date was used in deciding the level of the offer to be made to our business partners.
15. This scheme was reported on and supported by the DCLG report of 2008, on the provision of public toilets;

“The Government is in favour of such Community Toilet Schemes, endorsing the initiative of local authorities and local businesses working together in partnership to improve and increase the number of public toilet facilities in their local area.”

The report further cites Tim Martin;

“Chairman of the pub chain J.D.Wetherspoon, who said that their increased profit in 2002 was partly the result of winning the 2001 Loo of the Year trophy. This might imply that there is demonstrable evidence that participating in such schemes can lead to an increase in popularity.”

A Community Toilet Scheme for Ashford

16. Public conveniences are used by a variety of different people including shoppers, tourists, workers and those enjoying the towns night time economy.
17. The future toilet provision for the town is focused on providing a better offer than currently available, to support Priority 4 of the corporate plan, Attractive Ashford; making our offer attractive to all users of / visitors to the town.
18. Since the formation of the Ashford Town Team, Jo Wynn-Carter and team have dedicated time building strong relationships between local businesses, landlords and public sector bodies. The Regeneration team continue to work closely with town centre businesses whilst focusing on delivering bigger projects too. Love Ashford is a website showcasing Ashford town centre and its businesses, it was originally set up to support and promote the town centre increasing footfall. Unique features include pages specifically for offers and

events as well as home and new pages that have regular blog posts on town centre businesses.

19. The creation of Love Ashford has been the first step towards the vision of Ashford's very own digital high street. Blog posts regularly get high volumes of people reading, liking and sharing content to allow us to promote everything from Ashford College, Elwick Place, Ashford Farmers' Market, to new businesses opening in Ashford. Recently we have been able to promote Park Mall and the new businesses opening in the ABC owned shopping centre.
20. Local businesses already engaged with the Love Ashford scheme have been approached regarding their interest in becoming involved in a Community Toilet scheme for Ashford. Due to connections we have with businesses this has been well received by many businesses who can appreciate that the participation in this scheme could increase footfall to their business and build customer loyalty. The Community Toilet scheme is seen as a further step to supporting the town centre and its businesses, building on a clear strategy that we continue to implement well.
21. Circa 15 businesses have expressed an interest in being part of the scheme and in addition, "The Gateway" in the town centre have agreed to appear on the public facilities list.
22. This scheme allows members of the public to use retail businesses' toilets without purchasing any goods or paying a fee.
23. To advertise the scheme stickers will be placed in each of the premises' window and informational leaflets provided at the Gateway and Civic Centre receptions. There will be maps of locations on both the "Love Ashford" and Ashford Borough Council webpages and large maps strategically placed around the town centre, including on the closed toilet facilities, redirecting users to the nearby facilities. A comprehensive Communication Plan will be developed and is also likely to include the following promotional activities: media releases, a dedicated web page and FAQs, information on the council's www.ashford.gov.uk and Love Ashford websites, information on social media, posters/signs on display in and around the town centre, and subject to budget, some paid for advertising in the local media.
24. The scheme will be designed to have a range of businesses offering their facilities to the public. These will include male, female, unisex, disabled and baby change facilities. The range of facilities on offer will include those open early morning (before 8am), late night (until 11pm) and across the providers to have facilities on offer 7 days a week.
25. In order to ensure a good quality offering and a cost neutral exercise we estimate twelve providers will be required. If there are providers available above the suggested number they will be taken into the scheme if budget allows, or incorporated into a waiting list if not.

26. The businesses will be inspected on an unannounced “mystery shopper” style basis to ensure the facilities remain accessible, clean and well maintained.
27. Participating businesses in the scheme will be entitled to withdraw from the scheme with 2 months notice. It is expected that initial notification will be followed up by a meeting between the Council and the provider to try to resolve the reason for wanting to leave the scheme. Only if resolution cannot be agreed, will the arrangement cease. The council can similarly provide a participant with 2 months notice that they will no longer be required on the scheme (the same resolution meeting requirements will be adhered to).
28. All public conveniences participating in the scheme will be open for public access during the opening hours of the business.
29. The support offered to the businesses is financial and is on a sliding scale representative of the range of facilities they have on offer and the opening times through which they can be accessed.
30. Participants in the scheme will be supported financially and promotionally in offering their facilities to members of the public. Financially they will be supported in the following respect;
 - If the participating business can provide one toilet (unisex) they will receive £600 per year.
 - If they can provide both male and female toilets they will receive £700 per year.
 - If they can provide separate male, female and disabled toilets they will receive £800 per year.
 - If they can provide male, female, disabled and baby change facilities they will receive £900 per year.
 - If they can provide all facilities and are anticipated to be in a high foot fall area or provide access to full facilities for more than 12 hours a day, they will receive £1000 per year.All amounts will be pro rata depending on when in the financial year they join the scheme. The full amount is payable 1 April – 31 March per year. Payments will be made on a quarterly basis to ensure those leaving or joining the scheme are dealt with in the same way.
 - Promotionally the participating businesses will be supported by;
 - Inclusion on a specific website as part of “Love Ashford”
 - Their details will also appear on the “ashford.gov” website
31. There are other potential businesses who are well patronised in the town who may be approached to join both “Love Ashford” and the Community Toilet scheme, should Cabinet approve the scheme.

32. A Community Toilet scheme for Ashford town will offer a greater range of facilities, open for longer hours than our current provisions, with better access ensuring equality across all user groups. The facilities will be attended (as they are within retail premises), clean and well maintained
33. A Community Toilet scheme for Ashford, would replace the Vicarage Lane and New Rents toilets, which would close. The repeated issue of vandalism and anti-social behaviour around the Council's toilets within the Town Centre are cause for concern when considering the provision going forward. In order to achieve the Council's objective to raise the profile of the town and for it to be a destination of choice for visitors, it is also important that the toilets provided do not provide a negative impression of the Town. Therefore attended toilets, within a retail premises, are more likely to appeal to visitors and will deter anti-social behaviour. Co-located toilets in retail premises will result in better maintained and safer facilities than our current provisions.
34. Any savings, along with a contribution from repairs and renewals will be used to allow the toilet facilities at Victoria Park to be opened longer (as a result they will require cleaning more often) through the Summer months. In the longer term, these facilities are anticipated to become part of the master plan for Victoria Park.

Risk Assessment

35. There is no financial risk to the council in providing a Community Toilet scheme. This would be an alternative provision of public toilets without growing the budget, offering a wider range of facilities, open longer hours across the entire town.
36. Health and safety; due to concerns raised about current provisions, it is envisaged that the alternative provision would offer facilities that are perceived to be more inviting, have longer open hours, are monitored and accessible, over and above that afforded by our current provision. The health and safety of visitors whilst on the premises providing the facilities will be the responsibility of those facilities.
37. Maintenance of sufficient providers to ensure the schemes viability is a risk. This will be mitigated by regular "mystery shopping" of facilities provided, liaison with providers to deal with any issues and effective promotion of facilities on offer (to ensure the businesses also see the benefit of increased footfall through the indirect advertisement of their business).
38. In the event that there are applications for participation in the scheme above that currently anticipated, a waiting list will be generated to join the scheme, ensuring there is no need to grow the budget to accommodate the service.

Equalities Impact Assessment

39. Please see attached assessment.

Other Options Considered

40. Continue with current provision; without considerable increased budget for full refurbishment, there is likely to be medium term, further deterioration of already poor facilities. Resources do not allow for full time attendance, so vandalism and abuse is not likely to decrease; maintenance costs will remain constant at best. Public perception of the safety of our toilet provisions will not increase. Opening times will not be increased. Accessibility will not be improved.
41. Build new toilet facilities in the town. No suitable sites have been identified.
42. Close all public toilet provisions. This will be to the detriment of a large percentage of our public toilet users who need access to toilet facilities to be able to visit the town. This could have a detrimental effect on footfall in the town.

Consultation

43. Consultation has been informal. This includes one of our most vociferous complainants regarding the cleanliness and maintenance of our Vicarage Lane facilities. The gentleman concerned is in his eighties and needs access to toilet facilities at regular intervals, to be able to visit the town. He explained that he would not feel comfortable using toilets in a business without having to purchase an item. However, through a well publicised and advertised scheme such as the Community Toilet scheme, where he could see from the window sticker that public facilities were available, he would be confident in using that service.
44. Consultation with Town Centre businesses has confirmed that there is an interest and desire to be part of the scheme. A list of those businesses has been compiled to ensure that Equality can be maintained and as a minimum current provision can be continued.
45. Ashford Access Group has also been consulted and support the Community Toilet Scheme.
46. Discussions were held with the current cleaning contractor regarding options considered and difficulties faced with maintaining the cleanliness of the current provisions and the possible future offer at Victoria Park.
47. Communications have been consulted on a comms plan to ensure the public are fully informed.

Implications Assessment

48. Provision of a Community Toilet Scheme will not adversely affect any individual or group, the service provision will increase availability, choice, opening hours/days and provide better quality facilities.

Handling

49. Should members be minded to accept recommendations in this report, the comms plan will commence w/c 16th May.
50. It is anticipated that the new service provision will commence prior to closure of the toilets in Vicarage Lane and New Rents at the end of June.
51. Should members be minded to approve this scheme, a Communications plan will include will be developed including the promotional activities set out in paragraph 21

Portfolio Holder's Views

52. It is vitally important that there is public toilet provision in the Town Centre for our visitors and residents and I have no hesitation in recommending the Community Toilet Scheme which will offer greater choice, enhanced opening hours and better quality facilities.
(Councillor Mrs Clair Bell, Portfolio Holder for Public Interaction and Borough Presentation)
53. "It is a fundamental responsibility of the council that members of the public using the town centre can have access to appropriate toilet facilities. ABC has tried to fulfil this need, but abuse and vandalism has made it difficult to have a consistent service. The service provided had limitations in that opening times did not accord with times of use for Sunday trading and the evening economy.

The use of the scheme outlined above allows a longer period of use of better serviced facilities, making the town centre more pleasant to visit."

(Councillor Graham Galpin, Portfolio Holder for Town Centres Focus and Business Dynamics)



ASHFORD
BOROUGH COUNCIL

Impact Assessment

When is an assessment needed?

Councils must assess the impact of **proposed policies or practices** while they are being developed, with analysis available for members before a decision is made (i.e. at Cabinet).

Broadly, *policies and practices* can be understood to embrace a full range of different activities, such as Cabinet decisions which substantially change the way in which we do something, setting budgets, developing high-level strategies, and organisational practices such as internal restructuring. Assessments should especially be undertaken if the activity relates closely to an equalities group (see next page).

Importantly, this does not include reports that are 'for note' or do not propose substantial changes – assessments should only be considered when we propose to do something differently.

Assessments should also be carried out when conducting a large-scale review of **existing policies or practices** to check that they remain non-discriminatory. This does not mean filling out an assessment on every report on a subject – it is up to you to decide if the report's scope or scale warrants an assessment

1. General Information	
1.1 Name of project, policy, procedure, practice or issue being assessed	Public Toilet provision Ashford Town Centre (Community Toilet Scheme)
1.2 Service / Department	Environmental and Customer Services
1.3 Head of Service	Julie Rogers
1.4 Assessment Lead Officer	Tracey Butler
1.5 Date of Assessment	12 April 2016
1.6 Is this assessment of an existing or a proposed project, policy, procedure, practice or issue?	Assessment of a proposed scheme.

2. What is Being Assessed?	
2.1 What are the aims of this project, policy, procedure, practice or issue?	To offer public toilet provisions in Ashford town centre via a Community Toilet scheme.
2.2 Who is intended to benefit from this project, policy, procedure, practice or issue?	The residents of Ashford and visitors to the town, via a wider range of toilet facilities being available across a longer time period of the day
2.3 Who else is involved in the provision of this project, policy, procedure, practice or issue? i.e. other sections, public or private bodies	
- within Ashford BC	Town Centre Manager and Economic Development team
- from other agencies	Town Centre businesses.

3. Possible Sources of Information

In order to assess the impact of proposed decision it is important to bring together all information you have on it to, analyse them and come to conclusions on how it affects those with protected characteristics.

Information on a policy, project or procedure can come in many forms :-

- Census and other demographic information
- User satisfaction and other surveys
- Previous consultation exercises
- Performance Indicators
- Eligibility Criteria
- Service uptake data
- Complaints
- Customer Profiling
- MOSAIC data

In order to come to conclusions on impacts in section 4 you **must** have taken in to account all appropriate information, and be able to provide this if necessary in support of the judgements you make.

Also, it is not enough to have broad information on service users – to meet equalities duties this information **must** be broken down – where applicable – into the relevant protected characteristics which may be affected by this decision. For example, when considering disabled access to a new community facility, overall usage figures are not enough – an understanding of how many disabled users within this total must be demonstrated.

The protected characteristics are :-

Age	Disability	Gender reassignment	Marriage and civil partnership	Pregnancy and maternity
Race	Religion and belief	Sex	Sexual orientation	

More information on the definitions of these characteristics can be found here - <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>

4. What judgements can we make?				
4.1 Does the evidence already available indicate that the project, policy, procedure, practice or issue may affect these groups differently? (please check the relevant box and provide evidence where possible)	Positive Impact?	Negative Impact?	No Differential Impact	If yes, can it be justified (and how)?
Impact Factors:				
Age (please detail any specific groups considered)	x	<input type="checkbox"/>	<input type="checkbox"/>	There will be more facilities available across a wider area in the town. From small children with accompanying adults to elderly who need level access, the range and availability of clean toilet facilities will be improved.
Disability (please detail any specific groups considered)	x	<input type="checkbox"/>	<input type="checkbox"/>	There will be an increased number of public toilet facilities available for disabled members of the public
Gender (please detail any specific groups considered)	x	<input type="checkbox"/>	<input type="checkbox"/>	There will be an increased number of both male and female public toilets available
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	x	
Marriage / Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	x	
Pregnancy & Maternity	x	<input type="checkbox"/>	<input type="checkbox"/>	Some providers will be able to offer baby changing facilities
Race (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	x	
Religion / Belief	<input type="checkbox"/>	<input type="checkbox"/>	x	Whilst some potential toilet providers are in pubs (which some people may not be able to use on faith grounds) we have selected a wide range of premises to ensure no groups should be without extensive provision.
Sexual Orientation (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	x	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	

5. Conclusions

5.1 Does the decision maximise opportunities to promote equality and good inter-group relations? If “yes” please state how?

Yes

5.2 Based on the answers to the above can we confidently say that in its present form the decision treats different groups fairly (bearing in mind “fairly” may mean differently) and that no further amendment is required?

Yes

If further action is identified to ensure fair impacts please complete the Action Plan available on the intranet and attach it to this form

6. Monitoring and Review

How will monitoring of this policy, procedure or practice be reported (where appropriate)?

This policy will be monitored monthly for the next 12 months, to ensure levels of service are maintained.

When is it proposed to next review the project, policy, procedure, practice or issue?

This policy will be reviewed quarterly for the next 12 months, to ensure levels of service are maintained and the service provision is meeting the objectives (increased offer of provisions, better access and increased opening times). Thereafter, the service will be reviewed quarterly.

Any additional comments?

Agenda Item No: 8
Report To: Cabinet
Date: 12/05/2016
Report Title: Equalities Objectives
Report Author: Nicholas Clayton, Policy and Performance Officer
Portfolio Holder: Gerry Clarkson, Leader of the Council



Summary: The Equality Act 2010 applies to all public bodies and any private and voluntary bodies carrying out public functions.

Under the Act, the Council must also agree at least one *Equalities Objective*, to be reviewed at least every four years.

The Council's previous objectives were agreed by Management Team in March 2012, and have been reviewed and reshaped in light of the new Corporate Plan.

Key Decision: NO

Affected Wards: ALL

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

1. Approve the revised Equalities Objectives

Policy Overview: The Equality Act 2010 applies to all public bodies and any private and voluntary bodies carrying out public functions. In general terms, the Act places a legal duty on Ashford Borough Council's staff and councillors in carrying out its functions to:

- eliminate discrimination, harassment and victimisation
- advance equality of opportunity between different groups
- foster good relations between different groups

Financial Implications: N/A

Risk Assessment N/A

Impact Assessment N/A – Individual Impact Assessments will be carried out for measures relating to each objective area (as appropriate)

Contacts: Nicholas.clayton@ashford.gov.uk – Tel: (01233 330208)

Report Title: Equalities Objectives

Purpose of the Report

1. To consider a revised set of Equalities Objectives, which lay out how the Council will further the general aims of the Equality Act 2010.
2. The Equality Act 2010 applies to all public bodies and any private and voluntary bodies carrying out public functions.
3. Under the Act, the Council must agree at least one Equalities Objective, to be reviewed at least every four years.

Background

4. The Equality Act 2010 applies to all public bodies and any private and voluntary bodies carrying out public functions.
5. In general terms, the Act places a legal duty on Ashford Borough Council's staff and councillors when carrying out its functions to:
 - a. eliminate discrimination, harassment and victimisation
 - b. advance equality of opportunity between different groups
 - c. foster good relations between different groups
6. This *General Duty* covers people with the following protected characteristics – age, race, disability, sexual orientation, religion or belief, sex (previously referred to as gender), gender reassignment and pregnancy and maternity. Eliminating discrimination also covers marriage and civil partnership. The duty also sets the standard for partners and providers delivering services on the Council's behalf.
7. As a public body, Ashford Borough Council also has specific *Public Sector Equality Duties*, set out in Schedules 1 and 2 of the Act, which place additional requirements on the organisation. This includes the annual publication of equalities statistics on the Council's own workforce and the ongoing assessment of how it is achieving the General Duty. The Council must also agree at least one *Equalities Objective*, to be reviewed at least every four years.

Our Approach to Equalities

8. Over and above the legislative requirements, Ashford Borough Council takes a wider view on equalities – an approach which in turn has informed the three themes set out in the organisation's equality objectives.

9. The Council's approach embraces the need to embed equality of opportunity and fairness of treatment - not only within the organisation's recruitment and development of its own staff - but also when developing and delivering its services. Moreover, there is a crucial role that the Council plays as a community leader across the borough, able to influence others in the public, private and voluntary sectors in order to incorporate equality within the wider fabric of the borough.
10. The Council's new corporate plan, adopted in December 2015, sets a range of 'Underpinning Principles' which support the council's four priority areas. These principles reaffirm an aspiration that Ashford Borough Council remains a well-resourced, effective, high quality and high standards organisation. Fairness and equality are enshrined within this principle, as part of a commitment to delivering effective, quality services.

Previous Equalities Objectives

11. The Council's previous objectives (**Appendix B**) were agreed by the Management Team in March 2012, and made publically available on the website.
12. The two overarching objectives provided a clear commitment from the Council to actively pursue the equality of opportunity and fairness outlined within the Equality Act. During a period of financial and service reform across local government this commitment was crucial in ensuring that the necessary changes made did not unnecessarily impact upon those with protected characteristics (*Objective 1*). This was matched by an assurance to make decisions based on the most appropriate, up-to-date insight, alongside the Council's stated strategic desire to move towards responsive, customer-focused and efficient service delivery (*Objective 2*).
13. Whilst it is important to note that the Council continues to meet fully the two objectives set in 2012, they have been reviewed and reshaped in the light of the new Corporate Plan.
14. Alongside these objectives, and in accordance with the legislative requirements, every year the Council also publishes equalities information on its own workforce and on the Ashford borough itself. These help to ensure that the Council's policies and decision-making take account of equalities issues. Appropriate impact assessment of changes to policy and procedure are considered throughout policy development and are reported to Members as part of Cabinet reports.

New Equalities Objectives

15. As noted above, the Council's updated objectives have not only been refreshed in light of the new direction set by the recently-agreed corporate plan, but are also now consistent with the style and form adopted by a number of other Kent authorities. Rather than merely listing objectives, the three new

overarching objectives relate to discrete areas of the Council's operations, namely -

- 1) As a community leader
 - 2) As a service provider, and
 - 3) As an employer
16. For each of these areas, a number of measures are set out by which the Council can secure its overriding objective. The vast majority of these cover a continuation of pre-existing good practice across the authority.
17. Ashford Borough Council's revised Equalities Objectives are included in **Appendix A**.

Evaluating our Objectives

18. The Council's approach to equalities does not stand still, and evolves in response to the changing requirements of this agenda, and to meet the needs of any changes to the organisation's service delivery.
19. Separate from the legislative requirement to review the Council's Equality Objectives at least every four years, the Council regularly monitors both the information it holds which provide an understanding of local equalities issues and trends, alongside appropriate ongoing assessment of the impact of any material changes in its policies or procedures.
20. The updated Equalities Objectives found in Appendix A are complemented by a range of actions which the Council will pursue. In order to evaluate the success of these measures, where possible the actions listed under each objective include an indication of the ways the Council can demonstrate achievement.

Impact Assessment

21. N/A – Individual Impact Assessments will be carried out for measures relating to each objective area (as appropriate).

Conclusion

22. Endorsement and publication of Equalities Objectives helps the Council to demonstrate compliance with Schedule 1 and 2 of the Equality Act 2010. Moreover, setting these objectives helps the Council to better perform the general equality duty, focusing on the outcomes to be achieved.

Portfolio Holder's Views

23. Ashford Borough Council takes pride in being a non-discriminatory organisation, not only when considering our own workforce but also in the widest sense for the betterment of borough.
24. These objectives crystallise this commitment to fairness and equality, and set out strong steps that the Council will take over the next four years to advance this important agenda.

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Appendix A

Ashford Borough Council

Equalities Objectives

Introduction

The Equality Act 2010 applies to all public bodies and any private and voluntary bodies carrying out public functions. In general terms, the Act places a legal duty on Ashford Borough Council's staff and councillors in carrying out its functions to:

- a) eliminate discrimination, harassment and victimisation
- b) advance equality of opportunity between different groups
- c) foster good relations between different groups

The duty covers people with the following protected characteristics – age, race, disability, sexual orientation, religion or belief, sex (previously referred to as gender), gender reassignment and pregnancy and maternity. Eliminating discrimination also covers marriage and civil partnership. The duty also sets the standard for partners and providers delivering services on the Council's behalf.

In delivering the Council's new [Five Year Corporate Plan: for Aspiration, Action and Achievement, 2015-2020](#), the authority will ensure that it gives both due regard to the Equality Act 2010 and an ongoing commitment to its Equalities Objectives:

Ashford Borough Council's Equalities Objectives, 2016-2020

1. As a community Leader

The Council is responsible for engaging with residents in an open and meaningful way, whilst basing its decisions on an understanding of local communities. This in turn creates cohesive communities that foster good relations between people from different backgrounds.

The Council will -

- Make democratic, informed and transparent decisions (*demonstrated through the Council's Constitution, by holding open public committee meetings, and publishing agendas and minutes*)
- Work with Ashford's communities to tackle disadvantage and discrimination through consultation and involvement, while utilising councillors' personal knowledge and understanding of their communities (*demonstrated by adherence to the Councillor Code of Conduct, Statement of Community Involvement, online surveys and polls through the Ashford Voice magazine*)

2. As a service provider

The Council understands that some people find it difficult to access services or take part in public life. The authority will promote fairness and inclusion, removing barriers to services and opportunities to make sure that they are inclusive and accessible.

The Council will –

- Conduct an appropriate Impact Assessment when making changes to policies and services (*demonstrated by the inclusion of such assessments in Cabinet reports*)
- Monitor and review the equality information it collects to develop a better understanding of residents and customers – updating and publishing this information annually to make sure services are delivered appropriately and sensitively in order to ensure equality of treatment
- Monitor service delivery and overall performance against its new Corporate Plan (*demonstrated by quarterly performance reporting and scrutiny by councillors*)
- Be open and responsive to complaints and comments (*demonstrated by adherence to the Council's Complaints Policy, and annual reporting on complaints to the Council's Management Team*)
- Act entrepreneurially to develop innovative and cost-effective services which are convenient and well-communicated to residents (*demonstrated through the corporate and service planning processes*)
- Provide a range of learning and development to staff and councillors – including on equalities issues (*demonstrated by completion of appropriate e-learning module on 'Equality, Diversity and Discrimination' by all staff*)

3. As an employer

The Council understands that a diverse workforce results in better informed decision-making, and that a stable, motivated workforce achieves high productivity and effective results.

The Council will –

- Recruit, appraise and train staff according to a comprehensive Competency Framework.
- Provide equality of opportunity in all aspects of recruitment, work conditions and working environment, including –
 - Recruitment
 - Promotion
 - Training opportunities (*demonstrated by consideration in appraisal process*)
 - Pay and reward (*demonstrated by publishing an annual Pay Policy Statement*)
 - Grievances(*all demonstrated by adherence to appropriate personnel policies*)
- Conduct an annual survey of all staff

- Regularly monitor the characteristics of its own workforce, updating and publishing this information annually
- Operating a consultative committee with staff representatives
- Monitor and review employment practices annually

The Council will publish these objectives on its website, monitor them regularly and review them every four years (no later than May 2020)

Appendix B

Previous Equalities Objectives (agreed March 2012)

The Equality Act 2010 applies to all public bodies and any private and voluntary bodies carrying out public functions. In summary, the Act places a legal duty on Ashford Borough Council's staff and councillors in carrying out its functions to:

- a) eliminate discrimination, harassment and victimization
- b) advance equality of opportunity between different groups
- c) foster good relations between different groups

The duty covers people with the following protected characteristics – age, race, disability, sexual orientation, religion or belief, sex (previously referred to as gender), gender reassignment and pregnancy and maternity. The eliminating discrimination aim also covers marriage and civil partnership.

The duty also sets the standard for partners and providers delivering services on the Council's behalf. The Equality Act is supported by the Council's Disciplinary Policy and Code of Conduct for elected councillors.

In delivering our 5 year business plan we will ensure that we give due regard to the Equality Act 2010 with a commitment to the following:

EQUALITIES OBJECTIVES

1. We will eliminate unlawful discrimination, advance equality of opportunity and foster good relations whilst delivering decent, cost effective services.
= We will know we are achieving this objective by ensuring that
 - i) our services, policies and procedures meet this objective, including those relating to our staff recruitment and retention.
 - ii) decisions we make about service delivery and budgets do not impact unfairly or disproportionately on service users or residents with protected characteristics.
 - iii) the authority provides a range of learning and development opportunities to staff and councillors, including on equalities issues.

2. We will ensure that we have a clear knowledge and understanding of our customers needs, and that we provide an appropriate and convenient choice of ways to access our services.
= We will know we are achieving this objective by ensuring that
 - i) we hold a sufficiently robust, open and up-to-date evidence base regarding the needs and demographic profile of our residents; applying this transparently when making decisions whilst utilising councillors' personal knowledge and understanding of local communities
 - ii) we develop new ways for local people to access our services which are cost-effective, convenient and well promoted.

We will publish these objectives on our website and review them every four years.

Agenda Item No: 9

Report To: Cabinet

Date: 12th May 2016

Report Title: The Council's Enforcement Policy and the Local Enforcement Plan for Planning

Report Author: Richard Alderton

Portfolio Holder: Mike Bennett, Portfolio Holder for Planning and Development



Summary:

These two documents arise from the work of the Policy and Compliance Task Group. The first sets out in simple and clear terms the Council's fair but robust approach to enforcement. The second is a service-based enforcement plan which deals with the Planning and Development service and sets out its approach to enforcement including performance standards. In future further enforcement policies for other areas of enforcement will be reported to Cabinet – starting with the next meeting in June. In parallel with this work the website is being reviewed to provide a user-friendly 'report it' function and accessible explanations of the approach the Council takes in the many areas of enforcement it is involved in.

Key Decision: YES

Affected Wards: All

Recommendations: **The Cabinet is asked to recommend to Council that 'The Borough Council's Policy on the Use of Enforcement Powers' and the 'Local Enforcement Plan for Planning' be adopted.**

Policy Overview: The Council's 5 year corporate plan includes a commitment to ensuring that enforcement powers are used effectively and to strengthening the approach to enforcement and taking a tougher line on compliance. The Government's National Planning Policy Framework advocates the adoption of Local Enforcement Plans for planning.

Financial Implications: Enforcement is a core activity for many areas of the Council and established budgets reflect this. Where additional enforcement activity is proposed needing further resources this may be achieved by redirection of existing resources or new funding may be needed. This report raises no immediate financial implications.

Risk Assessment NO – any risks arising from enforcement activity are routinely assessed on a case by case basis taking account of the particular circumstances and with the benefit of legal advice where needed. This report raises no further risk issues.

Equalities Impact YES

Assessment

Other Material Implications: None

Background Papers: None

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The Council's Enforcement Policy and the Local Enforcement Plan for Planning

Purpose of the Report

1. This report seeks Cabinet's endorsement of an over-arching policy statement on enforcement and a service specific plan – the first example being for planning enforcement.

Background

2. Delivering a fair but robust approach to enforcement across all areas of the Council's responsibilities is a key priority of this Council. With this in mind a Policy and Compliance Task Group was set up in 2015, chaired by Cllr Stephen Dehnel.
3. The Task Group has identified various areas where work is needed to help put this Council's ambitions into effect:
 - A clear statement of the Council's overall approach to enforcement that can be widely communicated - *covered in this report*;
 - A series of operational plans for key areas of enforcement activity - *the planning example is covered in this report*;
 - A user-friendly and high profile 'report-it' function on the web site – *this is in development as was demonstrated to the last meeting of the Task Group*;
 - A clear structure of responsibilities within the Council identifying all the areas of enforcement activity – *a mapping diagram has been produced for the Group*;
 - A series of presentations on key areas of enforcement activity that generate most public concern and the various initiatives and improvement plans each has – *the Task Group recently considered fly tipping; littering; anti-social behaviour; dog fouling*;
 - Where needed, action plans to deliver a package of improvements in key areas – *for example, planning enforcement where a series of initiatives are now being taken and an extra member of staff being recruited*;
 - Training and support from the Enforcement Support and Investigations Team - *to bring the skills and experience from this team dealing with fraud against the Council to help support enforcement activity around the authority*.
4. The Group has decided to next concentrate on specific issues to fully understand the actions being taken; the options open to the Council; any legal or other constraints that apply; resourcing issues and performance; etc. The first area to be examined in more detail is unauthorised use of public and private land by gypsies and travellers. At the same time progress on work listed above will also be regularly reviewed by the Group.

Issues for consideration

5. Attached to this report are two items for consideration – their content is self-explanatory but in brief they are:
 - **The Council's Enforcement Policy** – this over-arching policy sets out the Council's general approach to be applied to the very significant number of areas where there is enforcement responsibility. It sets out the fair and proportionate approach the Council will take but also makes it clear the seriousness with which it will pursue those who knowingly and deliberately flout controls, or seek to deceive or defraud the Council.
 - **The Local Enforcement Plan for Planning** – this plan relates specifically to planning enforcement and designed to be a user friendly guide on what constitutes a breach of control; how to report such a breach; the various remedies available to the Council and the performance standards residents can expect us to work to.

Risk Assessment

6. Risks – financial and otherwise - arising from enforcement activity are routinely assessed on a case by case basis, taking account of the particular circumstances and with the benefit of legal advice where needed. This report raises no further risk issues.

Equalities Impact Assessment

7. As assessment has been carried out. Enforcement activity is taken for the general public good, although that does mean that people action is taken against may feel their own individual freedoms may have been impacted. The correct balance between protecting the public interest and the rights of individuals is one that must be struck in every case based on the specifics of the case and the severity of the impacts, legislation, case law and the Council's own policy base.
8. Generally in arriving at this balance there are no discriminatory impacts on specific groups of people. Put simply, enforcement action is taken against those who fail to abide by rules and that group of people defines itself.
9. There is one area, however, where a particular group of people may be affected. Gypsies and travellers are in a special position as an ethnic group and this is reflected in national planning policy and legislation. Members of this community are of course subject to enforcement action in the same way as any other members of the community, should it be justified in the terms above. But the general public often do not understand the way in which legislation and Government policy deals with providing for the needs of the gypsy and traveller community. This may cause misunderstanding and

resentment and the Council needs to take what steps it can to widen understanding and awareness of the issues involved.

Consultation

10. These draft policies have been shared with those running enforcement services around the Council and reviewed twice by the Policy and Compliance Task Group.

Handling

11. For these policy documents to be effective they need to be widely disseminated. A review of how all enforcement issues are tackled on the Council's web site is underway to make reporting simpler and to provide user-friendly information to the public on the many areas of enforcement the Council carries out. These documents will be available online but the key elements will be summarised in easy to use web pages with appropriate links.

Conclusion

12. The over-arching policy approach to enforcement provides a clear framework for more specific plans to come forward to demonstrate the Council's commitment to a robust, proportionate and fair approach to enforcement. The first of these plans – for planning enforcement – is also attached for Cabinet's consideration.

Portfolio Holder's Views

13. This administration pledged to target those that flouted rules by strengthening enforcement and taking a tougher line on compliance.
14. This is the first of a series of reports to be brought to Cabinet over coming months outlining recommendations from the Policy and Compliance Task Group on how to deliver a fair and robust approach to enforcement across all departments of the council.
15. Tonight we present in clear terms enforcement policy for the Borough and the specific Planning and Development service plan and I commend both to members for adoption.

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THE BOROUGH COUNCIL'S POLICY ON THE USE OF ENFORCEMENT POWERS

Ashford Borough Council is responsible for protecting the public interest by regulating a very wide variety of activities undertaken by individuals and businesses throughout the borough. The Council takes this responsibility very seriously. This policy has been produced in line with the Government's Regulators' Code ¹

Effective and well-targeted regulation is essential to protect people from harm and to stop anti-social behaviour and other serious nuisance that can so easily damage people's lives and community cohesion. Where people commit fraud the Council will act to deter others and save tax-payers money being misused.

It is the responsibility of individuals and businesses to comply with the law. We will do all we can to help advise and treat people fairly. But, those who flout the system deliberately and/or repeatedly and cause serious harm can expect the strongest possible response. The range of actions open to the Council and severity of penalties are often dictated by central government but, within these limits, the Council will always aim to act in way which deters others from non-compliance.

More specific guidance on the detailed approach in each area of enforcement can be found by following the links below:

Air quality/ Animal welfare/ Anti-social behaviour/ Benefit fraud/ Building control/ Contaminated land/ Dog fouling/ Electoral fraud/ Food safety/ Fly-posting/ Fly-tipping/ Graffiti/ Health and safety/ Housing tenancy fraud/ Noise/ Licensing/ Litter/ Parking/ Planning/ Pollution/ Private sector housing/ Protected trees/ Revenues fraud/ Unauthorised encampments.

Our Range of Responses

There is a range of initial actions we can take to protect the quality of life in the Borough and ensure people comply with legislation. This includes giving advice and guidance; running promotional campaigns (e.g. anti-litter) and carrying out inspections on site which may be programmed, intelligence-led or in response to complaints from members of the public. Some enforcement services will also have officers patrolling the streets.

Where non-compliance is discovered, we will assess the severity of the breach of regulations and the impact on others. Often the issue can be resolved by explaining legal requirements and how compliance can be achieved in a reasonable timescale. Where this fails action will escalate to:

- serving advisory letters, warnings, statutory notices or prohibitions detailing non-compliance and any resulting actions required
- More formal enforcement action e.g. through legal proceedings

The decision to take firm but fair enforcement action will be taken on a case by case basis guided by the law and detailed policies that relate to the different areas of enforcement activity.

The action taken will be in proportion to the gravity and nature of the non-compliance. Factors that will be taken into consideration will include:

- the seriousness of the breach and the harm caused
- the risk that the non-compliance poses to the safety or health of the public at large or to individuals
- the actual or potential damage to economic well being or the quality of life of individuals or the community
- where evidence suggests that the breach was pre-meditated
- where false information has been supplied willfully, or there has been an intent to deceive
- where the case involves a failure to comply in full or in part with the requirements of a statutory approval, license, notice or order
- where there is a history of previous warnings or similar breaches

Our Commitment

This Council takes enforcement matters and compliance with legal regulations or conditions seriously and will take appropriate action whenever it is justified.

We think it is important that those raising enforcement matters with the Council understand that their concern is being dealt with, and that they have a keen interest in understanding outcomes. However, we must also respect the law that governs the release of personal information, including to third parties. This may limit the extent of feedback that may be provided about outcomes.

Accordingly, where enforcement is needed the person who has brought the matter to the Council's attention can reasonably expect:

- an acknowledgement;
- to be kept up to date about investigations at key stages as far as we are able by law, and
- to be notified of the eventual outcome, as far as we are able by law.

The individual service enforcement policies explain the performance standards we will aim to meet. Some enforcement actions can be taken very quickly – others, where there are rights of appeal for example, have timescales outside the Council's control and may take much longer.

Where the law permits, we will not normally reveal information which discloses the identity of the person informing us of the breach.

ⁱ https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/300126/14-705-regulators-code.pdf

Ashford Borough Council – Local Enforcement Plan for Planning

1. The Council's approach to Planning Enforcement

This Council puts great value on the quality of life and local environment that local people enjoy – in the Borough's countryside, towns and villages. In all its work on planning and development the Council tries to drive a 'quality agenda', recognising how important development is in creating economic growth and meeting the community's needs, but also the need to control inappropriate and unauthorised development.

When development takes place without permission and causes significant impacts on people's lives, residents of the Borough understandably expect that action should be taken.

This Local Enforcement Plan sets out how the Council can and will respond. We will follow Government advice which encourages councils to try to resolve issues by negotiation as this is very often the quickest and most effective way to resolve problems. It is also the best way to use resources - taking formal action, assuming it succeeds, can be a much longer process than people imagine and consumes a lot of staff time.

But where negotiation fails, or individuals deliberately or persistently ignore the rules and carry out development that seriously impacts on the wider community, then there should be no doubt that the Council will take formal action whenever possible.

In a typical year approaching 350 potential breaches of planning control are reported to us. A large proportion of these (around 40%) turn out to be development that is permitted and where no action can be taken. The next section of this Plan explains what is – and what is not – a breach.

2. What is, and what is not, a breach of planning control?

A breach could involve such matters as the unauthorised erection of a building or extension to a building, a 'material' change of use of land, or the display of unauthorised advertisements. Other examples of potential breaches of planning control are:

- Unauthorised works to Listed Buildings;
- Unauthorised works to trees subject of a tree preservation order (TPO) or in a conservation area;
- Breaches of conditions attached to planning permissions;
- Not building in accordance with the approved plans of planning permissions;

- Untidy land which has a significant impact on the amenity of the wider area;
- Unauthorised engineering operations, such as raising ground levels or earth bunds.

The following examples are NOT normally breaches of planning control:

- Internal works to a building that is not listed;
- Parking of commercial vehicles on the highway or on grass verges;
- Running a business from home, where the residential use remains the primary use
- Land ownership disputes or trespass issues;
- Infringements of covenants in property Deeds;
- Any works that are deemed to be 'permitted development' under the relevant Government regulations (for example, extensions within specified size limits).

3. How do I report a breach?

To help us deal with your case as soon as possible it is important to provide as much information as you can. Below is a list of the type of information that would assist us in dealing with your complaint:-

- An accurate description of the location or address for the particular site;
- A detailed description of the activities taking place and why they are cause for concern;
- Names, addresses and phone numbers of those persons responsible for the alleged breach or the land owners;
- The date and times of when the alleged breach took place;
- Any other information or evidence (including photos) that may be able to assist;
- Your name and address or e mail address.

Complaints about alleged breaches can be made by e-mail; letter; or telephone providing the complainant gives their name, address and telephone number. We do not usually investigate anonymous complaints unless we can clearly identify the alleged breach of planning control.

4. The Council's commitment to you

We will:

- **Investigate all alleged breaches** of planning control – see the section above on 'How to report an alleged breach';
- **Keep your personal details confidential** at all times, unless required to disclose as part of court proceedings;
- **Quickly register and acknowledge your case** according to its priority level and provide you with a reference number with a named officer as the point of contact;

- **Give each case a ‘priority rating’** (see approach set out below) and visit the site within the timescales set;
- **Actively pursue your case and keep you informed of progress** until the case is closed when we will let you know the outcome;
- **Seek to close 80% of all cases within 12 weeks.** Investigations into alleged breaches of planning control can be complex and may take some time but we will aim to hit this target.

On receipt we will categorise breaches by priority – the priority may change once we have been able to visit the site and fully assess the situation. The categories are as follows:

High priority: When irreversible and serious damage to the environment or public amenity would result. Examples include works to protected trees; works affecting the character of a listed building; demolition works in a conservation area; serious traffic safety hazards; contamination and or pollution being created, unauthorised caravan sites , or other development where there is actual or imminent residential occupation.

Medium priority: This covers less immediate yet still serious and harmful breaches and is likely to include breaches where building works have just commenced, where severe harm is being created and also non-compliance with certain planning conditions (particularly pre-start conditions).

Low priority: This category relates to breaches that are likely to remain stable and that are unlikely to give rise to any severe or lasting harm to amenities. Such breaches may include untidy sites, non-compliance with other planning conditions, erection of satellite dishes, the unauthorised display of advertisements and the erection of fences.

Our approach	Acknowledge; set up case and prioritise	Site Visit and initial contact/ advice	Update informant; ward member and Parish Council
High Priority	Within 24 hours	Within 24 hours	Within 48 hours
Medium Priority	Within 3 working days	Within 7 working days	Within 5 working days after site visit
Low Priority	Within 3 working days	Within 15 working days	Within 5 working days after site visit

5. What happens when a breach has been reported?

There are various possible outcomes:

- **No breach exists** – Following a site inspection it may be found that there is no breach of planning control because, for example, the unauthorised use has ceased, or the development is permitted or lawful development. Typically this accounts for around 40% of the cases reported to us;
- **There is a breach of planning control but not ‘expedient’ to pursue** – Just because a breach may exist does not automatically mean that formal action will be taken. It is a common misconception that a breach of planning control is a criminal offence and should automatically attract enforcement action. Central Government Guidance in the National Planning Policy Framework (NPPF) clearly sets out that enforcement powers are discretionary. In turn, minor technical breaches that have only a small impact may not warrant the time and expense in taking action;
- **Negotiations take place to find a solution** – The first priority is to try and resolve any breaches through negotiation. When such negotiations fail to secure a solution formal action will be considered - the Council will not allow negotiations to become protracted.
- **A retrospective application is approved** - A retrospective application will be invited where there is a reasonable likelihood that planning permission may be granted in line with local and national planning policies or where a development may be made acceptable by way of imposing suitable conditions to control how it takes place.
- **Formal action is taken** - On average between 5- 10% of cases we receive result in formal action being taken. There are a range of formal powers the Council can use to remedy breaches of planning control. The more common forms of enforcement action are listed below:

Type of enforcement action	Purpose
Planning Contravention Notice	Requires persons to divulge information in respect of land and activities. Often under-taken to determine if there is a breach of control and to help decide the appropriate course of action
Breach of Condition Notice	Secures compliance with conditions specified within a planning permission
Enforcement Notice	Requires particular steps to be taken to remedy the situation – there is a right of appeal
Stop Notice / Temporary Stop Notice	Requires the unauthorised activities to cease either immediately or for a period of up to 28 days.
Community Protection Notice	To direct the individual, business or organisation causing ongoing problems or nuisances that

	affect the community's quality of life to stop.
Section 215 Notice	To secure the proper maintenance of land and buildings and protect public amenity
Direct Action	The Council may enter land to take the necessary steps to secure compliance with an Enforcement Notice. This is at the Council's cost although these are recoverable from the landowner.
Injunctions	To prevent unauthorised development and only used in a very limited number of specific circumstances
Prosecution	Failure to comply with a notice is a criminal offence. To secure compliance with any formal enforcement notice and / or to bring the offence before the court



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Impact Assessment

When is an assessment needed?

Councils must assess the impact of **proposed policies or practices** while they are being developed, with analysis available for members before a decision is made (i.e. at Cabinet).

Broadly, *policies and practices* can be understood to embrace a full range of different activities, such as Cabinet decisions which substantially change the way in which we do something, setting budgets, developing high-level strategies, and organisational practices such as internal restructuring. Assessments should especially be undertaken if the activity relates closely to an equalities group (see next page).

Importantly, this does not include reports that are 'for note' or do not propose substantial changes – assessments should only be considered when we propose to do something differently.

Assessments should also be carried out when conducting a large-scale review of **existing policies or practices** to check that they remain non-discriminatory. This does not mean filling out an assessment on every report on a subject – it is up to you to decide if the report's scope or scale warrants an assessment

1. General Information	
1.1 Name of project, policy, procedure, practice or issue being assessed	Overarching enforcement policy and Local Enforcement Plan for Planning
1.2 Service / Department	Development
1.3 Head of Service	Richard Alderton
1.4 Assessment Lead Officer	Richard Alderton
1.5 Date of Assessment	29 th April 2016
1.6 Is this assessment of an existing or a proposed project, policy, procedure, practice or issue?	Proposed

2. What is Being Assessed?	
2.1 What are the aims of this project, policy, procedure, practice or issue?	To set out clearly the Council's general approach to enforcement across all areas of responsibility and in more detail the approach in the area of planning, including remedies available and performance standards. The approach will be robust but fair and proportionate and will protect the interests of the general public.
2.2 Who is intended to benefit from this project, policy, procedure, practice or issue?	The public as a whole by being protected from many forms of nuisance, or potentially dangerous failures to comply with legislation/ regulations. Most issues have no differential impact on different groups and are just a nuisance to the public or unnecessary cost to the public purse – some impact on specific groups more than others.
2.3 Who else is involved in the provision of this project, policy, procedure, practice or issue?	A wide variety of teams around the Council and many external partners

- within Ashford BC	There are around 70 areas of enforcement activity spread around the Council
- from other agencies	Many agencies including e.g. police; environment agency; KCC; etc

3. Possible Sources of Information

In order to assess the impact of proposed decision it is important to bring together all information you have on it to, analyse them and come to conclusions on how it affects those with protected characteristics.

Information on a policy, project or procedure can come in many forms :-

- Census and other demographic information
- User satisfaction and other surveys
- Previous consultation exercises
- Performance Indicators
- Eligibility Criteria
- Service uptake data
- Complaints
- Customer Profiling
- MOSAIC data

In order to come to conclusions on impacts in section 4 you **must** have taken in to account all appropriate information, and be able to provide this if necessary in support of the judgements you make.

Also, it is not enough to have broad information on service users – to meet equalities duties this information **must** be broken down – where applicable – into the relevant protected characteristics which may be affected by this decision. For example, when considering disabled access to a new community facility, overall usage figures are not enough – an understanding of how many disabled users within this total must be demonstrated.

The protected characteristics are :-

Age	Disability	Gender reassignment	Marriage and civil partnership	Pregnancy and maternity
Race	Religion and belief	Sex	Sexual orientation	

More information on the definitions of these characteristics can be found here - <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>

4. What judgements can we make?

4.1 Does the evidence already available indicate that the project, policy, procedure, practice or issue may affect these groups differently? (please check the relevant box and provide evidence where possible)	Positive Impact?	Negative Impact?	No Differential Impact	If yes, can it be justified (and how)?
Impact Factors:				
Age (please detail any specific groups considered)	x			e.g. Elderly people may be especially vulnerable to rogue collectors – enforcement of unlicensed house to house collections and other charity collections.
Disability (please detail any specific groups considered)	x			e.g. Enforcement of building control regulations to ensure adequate access for people with disabilities
Gender (please detail any specific groups considered)	x			e.g. licensing of sex establishments
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	x	
Marriage / Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	x	
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	x	
Race (please detail any specific groups considered)		x		The Local Enforcement Plan for Planning may impact on gypsy and traveller groups as this is a disproportionate area of planning enforcement activity in comparison with the size of this community. Whilst the enforcement plan is designed to treat this community fairly and proportionately, there is a lack of public understanding of the position this group have a result of the law and Government policy and this can lead to conflict and discrimination. The Council need to widen public understanding of the decisions it takes so that law abiding travellers do not suffer this discrimination.
Religion / Belief	<input type="checkbox"/>	<input type="checkbox"/>	x	
Sexual Orientation (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	x	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	x	

5. Conclusions

5.1 Does the decision maximise opportunities to promote equality and good inter-group relations? If “yes” please state how?

Yes by making it clear that nuisance, fraud etc cause problems for the public as a whole and generally bear no relation to different groups. The policy emphasises fairness, proportionality and robustness to give people confidence in the system.

5.2 Based on the answers to the above can we confidently say that in its present form the decision treats different groups fairly (bearing in mind “fairly” may mean differently) and that no further amendment is required?

Yes

If further action is identified to ensure fair impacts please complete the Action Plan available on the intranet and attach it to this form

6. Monitoring and Review

How will monitoring of this policy, procedure or practice be reported (where appropriate)?

There are around 70 areas of enforcement activity and each service responsible will need to monitor the effectiveness of actions taken and identify any discriminatory practices or outcomes should they arise.

When is it proposed to next review the project, policy, procedure, practice or issue?

A series of service specific policies will be emerging and each will need to be subject to an equalities impact assessment.

Any additional comments?

Agenda Item No: 10

Report To: CABINET

Date: 12th May 2016

Report Title: Council owned Amenity and Footway Lighting

Report Author: Jo Fox, Health, Parking and Community Safety Manager

Portfolio Holders: Cllr Bradford – Portfolio responsibility for Highways, Wellbeing and Safety

Cllr Shorter – Portfolio responsibility for Finance, Budget & Resource Management



Summary: Cabinet is asked to fund up to £1 million as a capital investment to upgrade and replace as appropriate the Borough Council's amenity and footway lighting columns to adoptable KCC standard and to transfer as many of the assets as possible to KCC. This will be funded through borrowing with the revenue savings used to repay the debt.

To agree the removal of amenity and footway lighting where deemed not necessary by KCC and/or the Borough Council and where a third party e.g. Parish Council does not wish to adopt.

Key Decision: Yes

Affected Wards: All

Recommendations: The Cabinet be asked to:-

- i. Fund up to a £1 million capital investment through borrowing to upgrade or replace as appropriate Council owned amenity and footway lighting and transfer agreed necessary lighting columns to KCC.
- ii. To agree the removal of amenity and footway lighting where deemed not necessary by KCC and/or the Borough Council and subject to any alternative adoption e.g. by a Parish Council. Delegated powers to be given to the Head of Service and the Portfolio Holder to make this

decision.

- iii. **To support the need for a policy to be devised on the criteria on when street lights are required for new developments. A jointly created protocol between KCC and ABC to be devised, as part of the district deal and brought back to the Cabinet to consider.**

Policy Overview: Links to the Five Year Corporate Plan and in particular the Ashford Underpinning Principles and need to manage our costs.

Financial Implications: Capital borrowing of up to £1 million. This investment provides the opportunity to transfer assets to KCC thus reducing future maintenance and electricity costs. In addition to reducing the council's liability and risk.

Risk Assessment: Addressed within the body of the report.

Impact Assessment: Yes, Appendix 2

Background Papers: Appendix 1 – Criteria for retaining/removing Borough owned amenity and footway lighting
Appendix 2 - Impact Assessment

Contacts: jo.fox@ashford.gov.uk – Tel: (01233) 330566

Agenda Item No. 10

Report Title: Council owned Amenity and Footway Lighting

Purpose of the Report

1. Cabinet approval is sought for up to £1 million capital investment to undertake lighting designs, replace lighting columns and upgrade to KCC specification in order to allow the transfer of as many of these assets as possible to KCC.
2. The report seeks agreement to remove Borough Council owned amenity and footway lighting where lights are deemed not necessary or suitable street lighting for residents. This will be subject to the applied criteria and the option of alternative adoption e.g. by a Parish Council.
3. The Cabinet is further asked to support a policy of limiting, where appropriate, the introduction of lighting (i.e. that over and above that required by KCC) and in the case of any lighting installed above this to ensure that adequate budget provision is made for its on-going maintenance and where possible to limit such lighting or seek alternative third party funding. A policy for the criteria for the introduction of new lighting to be worked on by ABC and KCC officers. Case studies such as Chilmington will be used to jointly create a protocol and become part of the District Deal.

Background

4. The Borough Council owns approximately 1,600 amenity and footway lights around the borough as distinct from the Highway and safety lighting that is owned by the County Council. Until 2005 management of the Borough lights was directly undertaken by the Borough Council's in-house highways unit. With the transfer of the highways functions to Kent County Council in 2005 a Highway Service Protocol was set up to cover the services that KCC would provide on behalf of the Borough, including the management of Borough Council owned lighting stock. The Borough are recharged annually for the routine maintenance at a sum of £25,000 and other charges such as bulk lamp changing, electrical and structural testing are charged separately.
5. The Borough Council's lighting stock is principally comprised of ageing columns with sodium lanterns. The age of the existing assets and a move to LED lighting on the part of the County Council means that like-for-like replacements are not a sustainable or cost effective option, and future replacements of Borough Council lighting will by default be made with LED units.
6. Structural testing carried out in early 2015 has identified that many columns are in a poor condition and in need of significant work.

7. Some columns require immediate attention and works are underway to replace/remove as necessary. This is being funded within the annual budget and will cost approximately £20,000.
8. The Council has 173 columns that need retesting within a year and there is a high probability that they will need to be replaced at a cost of approximately £1,000 per column (including conversion to LED lamps). There are 602 columns that are likely to only require an LED lamp upgrade at a cost of approximately £300 per unit. A further 794 columns will be a mixture of column and/or lamp replacement.
9. The current yearly cost of amenity and footway lighting to the Borough, in addition to managing the assets, is £25,000 on maintenance, £38,000 on utilities and £8,000 on structural testing. Total yearly costs £72,000. These savings are comparable to the costs of borrowing £1m over 25 years including payment of interest and capital repayment.
10. KCC are unable to continue with the maintenance arrangement in future years as they will no longer hold the necessary materials for traditional light sources once they have converted their lights to LED.
11. KCC engineers have advised that subject to location and upgrading of assets to KCC's specification, including design to meet highway lighting standards, it may be possible to wholly transfer areas of Borough lighting stock to the County Council's ownership. These lights would then be maintained and managed entirely by KCC, with no further ongoing costs to the Borough Council. The columns that are unable to be transferred will be considered for either retention or permanent removal alongside the opportunity for Parish Councils to take over the responsibility of individual columns.
12. KCC are currently rolling out a county wide project to convert all it's lights to LED and this started in the Ashford rural areas on 14th March 2016. The work is ongoing with the rural and residential areas being completed first and with the town centres and main routes being completed later on in the project due to the complex nature of the work involved.
13. KCC own approximately 118,000 street lights across the county, they have the expertise and the resource in this area and are therefore best placed to manage these assets for the residents of the borough efficiently and effectively.

Timescale of the project

14. If the investment is agreed, work will be undertaken by KCC and their contractors to deliver the project and transfer of assets over the next two years.

Dark Skies Policy & Projects

15. The proposed street lighting upgrades are in line with our dark skies policy. Consideration has also taken into account advice given to the Borough by the International Dark Sky Association who are the body responsible for granting Dark Sky designations. In addition the new LED lamps will each have individual dimmers that can be controlled by KCC from a central control room. In the future, a business case can be put to KCC via the Joint Transportation Board for areas wishing for their lights to be dimmed for identified projects; such as projects that fall within the dark skies area.

Retention of Assets outside of KCC retention criteria

16. The criteria (appendix 1) to be adopted when consideration is given to the retention of assets outside the remit of KCC's retention criteria.
17. Specific consideration will be given to the retention of original historic lamps and columns of good historic design interest to ensure that local distinctiveness and character are persevered. Individual decisions will be taken jointly with the planning team.

Handling

18. Parish Council's are to be advised of the project as soon as possible. They will be provided with information specific to their area and given time and opportunity to comment on any proposals. Information relevant to the cost of repair and LED conversion and ongoing maintenance costs (should they wish to take over the lighting asset) will be provided.
19. With regard to future developments within the Borough that require planning permission, it is recommended that footway and amenity lighting (i.e. that over and above that required by KCC) is limited where possible and that any lighting installed above this is adequately budgeted to ensure its on-going maintenance costs are covered.
20. The level of lighting will be subject to consultation with the Borough Council's Planning Team, KCC Highways and relevant Parish Council. A policy to be devised, for the introduction of any new street lighting, jointly by ABC and KCC officers and to be agreed by Cabinet, at a future date.

Impact Assessment

21. The main change that has diversity and equality significance relates to the possible removal of individual streetlights where they are considered no longer to be needed. An impact assessment has been undertaken, any potential negative impact will be mitigated by:

- Consultation and engagement process with local communities to capture potential impacts of removing individual installations.
- Risk assessment process in relation to potential removal of streetlights to ensure impacts and mitigation are fully considered.
- Process to enable third parties to take over individual streetlights where it is considered there will be no negative impacts, however, a community wishes to retain a streetlight.
- Impact assessment reviewed in line with any changes generated through consultation and detailed programme development.
- Monitoring of complaints and comments relating to the implementation of this programme.

Other Options Considered

22. The following options have been considered:

- (i) Do nothing i.e. the Council continues to maintain and replace the assets ongoing as and when necessary. The option of continuing to use KCC to maintain the lights for £25,000 per annum will be removed as the current lights will not be within the standard that the contract will cover. Initial investigations have shown that the current asset maintenance costs will be at least double if they are procured separate to the Kent contract. Additional officer time will need to be allocated to manage the assets and the contract. Structural testing will still have to be undertaken at an estimated £12,000 per annum. The repair of the defective street lighting will continue to be required as and when they become defective, indications from current assessments are that this will cost in the region of £173,000 in the next two years with similar figures ongoing.
- (ii) Repair and replace the assets to KCC standard and keep them on a maintenance contract with KCC. The same capital funding would be required but with no future savings to be offset against the capital.

Risk Assessment

23. There is a risk that KCC do not adopt the majority of the street lights reducing the level of savings for the project/increasing the payback period. This will be mitigated by the ability and agreement to undertake lighting designs in accordance with KCC requirements.
24. The risk of the Borough Council retaining the assets is detailed above at paragraph 22.

Conclusion

25. The structural testing undertaken highlights a significant risk over the current arrangements for Borough Council street lighting; particularly considering the age of the existing stock, the indicative costs for replacement and the ongoing costs for maintenance, power supply and periodic testing. It is necessary therefore to reassess the Borough Council's lighting provision.
26. The capital investment suggested will enable transfer of the majority of street lighting assets to KCC and will reduce future ongoing costs and provide suitable street lighting to the residents of the Borough.
27. A policy to be devised on the criteria for when lighting is required, jointly with ABC and KCC officers, using case studies such as Chilmington. The policy to be brought back to Cabinet to consider.

Portfolio Holder's Comments

28. A sensible policy not only to address the current repair needs but to update the assets in terms of LED. The assets are in need of upgrading and there will be financial savings by adopting this proactive approach. **Cllr Bradford – Portfolio for Highways, Wellbeing and Safety**
29. The upgrading work to the footway and amenity lighting is a necessity. To do this on a spend to save project basis is appropriate and fits with the Council's corporate plan and the need to manage our costs. **Cllr Shorter – Portfolio for Finance, Budget and Resource Management**

Contacts: jo.fox@ashford.gov.uk

Appendix 1

Criteria for replacement of Council owned Amenity and Footway Lighting

Failed lighting columns which would not be eligible for adoption by Kent County Council will be identified for replacement if they satisfy any of the following criteria:

- Provision of direct illumination to a formal pedestrian crossing, subway, enclosed footpath or alleyway linked to a road.
- Provision of direct illumination to an area covered by local authority or Police CCTV surveillance equipment.
- Provision of direct illumination to an area where a safety audit indicates a need
- Provision of direct illumination to an area with sheltered housing or other residences accommodating vulnerable people.*
- Provision of direct illumination to an area with a 24 hours operational emergency services site.
- Provision of direct illumination to an area with public amenities which generate a significant level of night-time pedestrian movement.
- Original historic lamps and column of good design interest on the grounds of preserving local distinctiveness and character.

*For the purposes of this assessment private dwellings will not normally be counted.

Appendix 2



ASHFORD
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Impact Assessment

When is an assessment needed?

Councils must assess the impact of **proposed policies or practices** while they are being developed, with analysis available for members before a decision is made (i.e. at Cabinet).

Broadly, *policies and practices* can be understood to embrace a full range of different activities, such as Cabinet decisions which substantially change the way in which we do something, setting budgets, developing high-level strategies, and organisational practices such as internal restructuring. Assessments should especially be undertaken if the activity relates closely to an equalities group (see next page).

Importantly, this does not include reports that are 'for note' or do not propose substantial changes – assessments should only be considered when we propose to do something differently.

Assessments should also be carried out when conducting a large-scale review of **existing policies or practices** to check that they remain non-discriminatory. This does not mean filling out an assessment on every report on a subject – it is up to you to decide if the report's scope or scale warrants an assessment

1. General Information	
1.1 Name of project, policy, procedure, practice or issue being assessed	Borough Street Lighting
1.2 Service / Department	Health, Parking & Community Safety
1.3 Head of Service	Sheila Davison
1.4 Assessment Lead Officer	Jo Fox
1.5 Date of Assessment	21 st April 2016
1.6 Is this assessment of an existing or a proposed project, policy, procedure, practice or issue?	Proposed Project

2. What is Being Assessed?

<p>2.1 What are the aims of this project, policy, procedure, practice or issue?</p>	<p>The Council is reviewing the way in which it manages its street lighting. This is driven by the pressing need to repair many of the Council streetlights and as a consequence of changes in the way KCC maintains and operates its own street lighting. The changes seek to take advantage of the much larger KCC maintenance programme and the opportunity of to switch to LED lighting.</p> <p>As part of this programme the Council is seeking to transfer its lighting assets where possible to KCC. This will secure their on-going maintenance and result in benefits in terms of economies of scale.</p> <p>The main change that has diversity and equality significance relates to the possible removal of individual streetlights where they are considered no longer to be needed.</p> <p>There is no negative impact associated with the upgrading and subsequent transfer of street lighting. The majority of the Council's lights will be upgraded and any removal of streetlights will be subject to an individual impact assessment. This will take into account the concerns that are sometime expressed in such situations including feeling vulnerable to crime, social exclusion as a consequence of fears about going out during night time hours, road safety, increased risk of falls or because poorly lit areas maybe considered less attractive to visit. It is acknowledged that these factors may have a detrimental impact on women, those who have disabilities, and the elderly.</p> <p>Any streetlights that are considered appropriate for removal will be subject to a risk assessment. This will include consideration of the above factors and any individual mitigating factors. Further detail provided within each individual area where appropriate.</p>
<p>2.2 Who is intended to benefit from this project, policy, procedure, practice or issue?</p>	<p>In the widest sense, all residents (including any with protected characteristics) will benefit from this programme of updating, adoption and rationalisation of the borough's lighting. The impacts and risks at individual sites are not only considered within this assessment, but on a case-by-case basis through the ongoing mitigation action set out within the report</p>
<p>2.3 Who else is involved in the provision of this project, policy, procedure, practice or issue? i.e. other sections, public or private bodies</p>	
<ul style="list-style-type: none"> - within Ashford BC 	<p>Ben Lockwood, Finance Lois Jarett, Planning</p>
<ul style="list-style-type: none"> - from other agencies 	<p>Sue Kinsella, Kent County Council Contractor appointed by Kent County Council</p>

3. Possible Sources of Information

In order to assess the impact of proposed decision it is important to bring together all information you have on it to, analyse them and come to conclusions on how it affects those with protected characteristics.

Information on a policy, project or procedure can come in many forms :-

- Census and other demographic information
- User satisfaction and other surveys
- Previous consultation exercises
- Performance Indicators
- Eligibility Criteria
- Service uptake data
- Complaints
- Customer Profiling
- MOSAIC data

In order to come to conclusions on impacts in section 4 you **must** have taken in to account all appropriate information, and be able to provide this if necessary in support of the judgements you make.

Also, it is not enough to have broad information on service users – to meet equalities duties this information **must** be broken down – where applicable – into the relevant protected characteristics which may be affected by this decision. For example, when considering disabled access to a new community facility, overall usage figures are not enough – an understanding of how many disabled users within this total must be demonstrated.

The protected characteristics are :-

Age	Disability	Gender reassignment	Marriage and civil partnership	Pregnancy and maternity
Race	Religion and belief	Sex	Sexual orientation	

More information on the definitions of these characteristics can be found here - <http://www.equalityhumanrights.com/advice-and-guidance/new-equality-act-guidance/protected-characteristics-definitions/>

4. What judgements can we make?				
4.1 Does the evidence already available indicate that the project, policy, procedure, practice or issue may affect these groups differently? (please check the relevant box and provide evidence where possible)	Positive Impact?	Negative Impact?	No Differential Impact	If yes, can it be justified (and how)?
Impact Factors:				
Age (please detail any specific groups considered)	<input type="checkbox"/>	X	<input type="checkbox"/>	Removal of street lighting installations may have an impact on the elderly in terms of community safety (e.g. fear going out, increased social exclusion, increased risk of falls). Impact to be considered as part of the case-by-case assessment. Also views to be captured as part of case-by-case consultation that will inform decisions relating to removal or transfer to asset to third parties
Disability (please detail any specific groups considered)	<input type="checkbox"/>	X	<input type="checkbox"/>	Removal of street lighting installations may have an impact on disabled residents in terms of community safety (e.g. fear going out, increased social exclusion, increased safety risks). Impact to be considered as part of the case-by-case assessment. Also views to be captured as part of case-by-case consultation that will inform decisions relating to removal or transfer to asset to third parties.
Gender (please detail any specific groups considered)	<input type="checkbox"/>	X	<input type="checkbox"/>	Removal of street lighting installations may have an impact on women in terms of community safety (eg: fear of going out) Impact to be considered as part of the case-by-case assessment. Also views to be captured as part of case-by-case consultation that will inform decisions relating to removal or transfer to asset to third parties.
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	X	
Marriage / Civil Partnership	<input type="checkbox"/>	<input type="checkbox"/>	X	
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	X	
Race (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	X	
Religion / Belief	<input type="checkbox"/>	<input type="checkbox"/>	X	
Sexual Orientation (please detail any specific groups considered)	<input type="checkbox"/>	<input type="checkbox"/>	X	
Other (please specify)	<input type="checkbox"/>	<input type="checkbox"/>	X	

5. Conclusions

5.1 Does the decision maximise opportunities to promote equality and good inter-group relations? If “yes” please state how? Yes
 No

5.2 Based on the answers to the above can we confidently say that in its present form the decision treats different groups fairly (bearing in mind “fairly” may mean differently) and that no further amendment is required? Yes
 No

If further action is identified to ensure fair impacts please complete the Action Plan available on the intranet and attach it to this form

6. Monitoring and Review

How will monitoring of this policy, procedure or practice be reported (where appropriate)? Each case will be reviewed on a case by case basis and be documented within the project.

When is it proposed to next review the project, policy, procedure, practice or issue? Reviews will be ongoing

Any additional comments?

Agenda Item No: 11
Report To: Cabinet
Date: 12th May 2016



Report Title: **Support for the Ashford International Model Railway Education Centre (AIMREC)**

Report Author: Christina Fuller, Head of Culture

Portfolio Holder: Cllr Clair Bell, Portfolio Holder for Public Interaction and Borough Presentation.

Summary: The Ashford Model Railway Museum company (known as AIMREC) is seeking a long term loan agreement from the Council to purchase land at the former Klondyke railway works in Newtown for the Ashford International Model Railway Education Centre that received planning permission on 16th March 2016 subject to a section 106 Agreement. The purchase of the land, owned by Kier, will enable the company to apply for significant funding from various sources including a capital grant from the Heritage Lottery Fund. The report includes draft heads of terms between the Council and AIMREC. The new centre will showcase to local people and visitors significant railway models, international, national and local rail and other exhibits from the past, present and future. The company's business plan shows that the centre can substantially diversify and boost Ashford's tourism and visitor economy with an anticipated 500,000 visitors per annum.

Key Decision: No

Affected Wards: Aylesford Green

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

i. Give its support to the Ashford International Model Railway Education Centre (AIMREC);

ii. Recommend to Council that:

(a) A mortgage loan is granted on the broad terms and up to the maximum sum specified in the Exempt Appendix C to the Ashford Model Railway Museum to enable their purchase of land at the former Klondyke railway works; and

(b) Authority be given to the Heads of Culture, Finance, and the Director of Law & Governance in consultation with the appropriate Portfolio Holders to approve the finalised Business Plan and any

amendments or subsequent documents and to agree final terms and conditions and to make variations to terms in Appendix C if they consider it prudent to do so; and

(c) Authority be given to the Director of Law & Governance in consultation with the Heads of Finance and Culture to effect and complete all necessary documentation to action the above.

Policy Overview: AIMREC is a unique economic & tourism investment proposal to build an international visitor attraction, regenerating the former Klondyke railway works and boosting the town centre tourism offer in keeping with priorities 1 & 4 of the corporate plan 2015-2020.

Financial Implications: The Council's loan will be repaid in instalments over 50 years commencing three months after the facility is open to the public (a maximum of three years after site purchase) (with options for early repayment). Interest will be set at the relevant PWLB rate plus 2% (or such higher rate, if any, as required by law) because the loan will be funded by borrowing from the Public Works Loan Board (PWLB).

The mortgage loan is subject to the land purchase deal being agreed and will be granted to AIMREC against the security of the land and an acceptable bond or a guarantee to clear the site of contamination.

The company requires the money on completion of the land purchase deal with repayment starting after the opening of the centre therefore the Council is asked to defer the interest for this period (up to three years) as part of its support for the project. It is anticipated that this will cost in the region £5-10,000 per annum.

The Council's professional and other costs are being covered internally.

Risk Assessment Officers have commissioned a land valuation and a full site contamination survey. AIMREC will clear and decontaminate the site to enable leisure and other uses in the unlikely event that the visitor centre falters and the land reverts to the Council. AIMREC's business risk (i.e. ability to pay mortgage repayments) has been analysed by an independent expert who is supportive and positive.

Equalities Impact Assessment N/A

Exemption Clauses: **Appendix A, B, C - Not For Publication by virtue of Paragraph 3 of Part 1 of Schedule 12A of the Local Government Act 1972.**

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Report Title: Support for the Ashford International Model Railway Education Centre (AIMREC)

Purpose of the Report

1. To seek the support of members to provide a mortgage loan to the Ashford Model Railway Museum (AIMREC) for the purchase of a site on terms set out in the Exempt Appendix to the report.

Background and Business Plan

2. The Ashford Model Railway Museum is a company limited by guarantee that has applied for and is currently awaiting charity commission registration as a charity with objects including “to educate current and future generations in model form what the invention of the steam engine did for Britain and the world”. Known as AIMREC for the purposes of this report, the company has a strong, skilled and experienced board of directors with significant relevant business skills to promote, build and manage the construction and operation of this proposed visitor attraction. If charity registration is granted, they will become the trustees of the charity.
3. The planning committee approved the planning application for the Ashford International Model Railway Education Centre at its meeting on 16th March 2016 subject to completion of a section106 agreement. The new centre will showcase to local people and visitors significant historic railway model layouts dating in some cases from the 1920s and donated by high profile philanthropists including the Royal Family, international, national and local rail and other exhibits from the past, present and future. It will also include important elements of Ashford’s historic railway heritage. The centre proposes to be fully interactive and appeal to both enthusiasts and non-enthusiasts of all ages and backgrounds.
4. The centre aims to substantially diversify Ashford’s tourism and visitor economy with an anticipated 500,000 visitors pa. Its proposed location is next to the McArthur Glen Designer Shopping Outlet and is close to the station and other key local new attractions planned on Elwick Road. This will help to sustain such visitor figures and presents an excellent opportunity for cross fertilisation of visitors to the town centre, strengthening its footfall and extending the dwell time in the borough.
5. A comprehensive business plan has been produced by AIMREC and together with the Council, the company commissioned a detailed due diligence report from expert tourist attraction consultants, Fourth Street, to assess the business risk and economic impacts of the project. The consultant’s report attached as **Exempt Appendix A** is supportive, positive and makes the following key observations:
 - a. The model village concept is particularly popular in the UK and is proven, tested and timeless. Ashford is a strong location and the proposed site

- next to the Designer Outlet will encourage extended dwell time and higher levels of spend.
- b. Baseline visitor projections are ambitious but not unreasonable or imprudent. The business plan shows that international visitors from western Europe would be attracted to AIMREC as demonstrated by the huge international success of the Hamburg based 'Miniatur Wunderland.'
 - c. The financial model shows the business would remain viable and capable of meeting repayments to the Council even with substantially fewer visits than projected.
6. Given the strength of the current draft business plan and the predicted benefits to local tourism and indeed supporting regeneration in the area, Members are asked to consider supporting AIMREC at this early stage of the project. The Head of Culture will continue to work with AIMREC on their business plan and the consultant's observations. The business plan will be finalised before draw down of the mortgage loan and will include a funding statement to demonstrate how the whole capital costs of the project (including the building and highway works) will be funded and also include key milestones for the project.
 7. The company is seeking funding support from the Council, in the form of a mortgage loan to help purchase their chosen site – the former Klondyke railway works (refer Appendix C for draft terms).
 8. They will be applying for further capital investment including from the Heritage Lottery Fund (HLF) once the site is secured. The company has discussed the project with a case officer and are hopeful for a contribution given the historic importance of the collections to be conserved and housed within the centre. AIMREC has stated that any shortfall in funding could be bridged by various eminent patrons/trusts who are keen to support this new venture.

Site Appraisal

9. The former Klondyke railway works site is a suitable location for such a visitor attraction. The historic location played a significant role in the development of the UK's railways and is within walking distance of the International station.
10. Due to the sensitive nature of the negotiations between the Council, AIMREC and the land owner summary details of the Council's Valuation and Contamination reports are included in **Exempt Appendix B**.
11. The reports indicate that the total level of mortgage loan being requested is no more than the value of the decontaminated site. This is important as it protects the Council's interest on the assumption that the decontamination works are carried out in any event, within a period to be agreed. This will be backed by an appropriate bond or third party guarantee.

Draft Heads of Terms

12. Officers have produced a draft Heads of Terms in consultation with AIMREC and these are attached to this report at **Exempt Appendix C**.

13. The Council's loan will be repaid over 50 years commencing three months after opening to the public (a maximum of three years after site purchase) with options for early repayment. Interest set at the relevant PWLB rate plus 2% or such other interest rate to ensure no illegal State Aid is being provided. The loan is subject to the land purchase deal being agreed and will be granted to AIMREC against the security of the land and an acceptable bond or guarantee to clear the site of contamination.
14. The level of loan has been supported by the independent site valuation suggesting that the site offers suitable levels of security subject to the matters explained in Exempt Appendix B. The 2% premium charged on the interest rate will provide cover for the risks and provide a small return to the Council.
15. AIMREC requires the money on completion of the land purchase deal with repayment starting after the opening of the centre therefore the Council is being asked to defer the interest and cap repayments for this period (up to three years) as part of its support for the project. It is anticipated that this will cost in the region £5-10,000 per annum.

Risk Assessment

16. There are five key risks that need to be highlighted for this agreement;
 - a. The land owner decides not to sell - this is not in the Council's control but if the land deal does not progress, then the mortgage agreement falls away as it is conditional on the land being purchased.
 - b. If the land owner requests a higher price – AIMREC would need to firstly consider this additional impact and find the additional funds from their backers. Ashford Borough Council's exposure would be capped at the level of the Council's valuation of land value.
 - c. Decontamination is not undertaken or partly completed - the mortgage deal is to be agreed on the basis that AIMREC provide a third party guarantee which ensures the contamination works will be completed.
 - d. The project falters and is abandoned (e.g. because AIMREC fail to achieve charitable status and / or fail to secure adequate funding). In this event the Council will be able to foreclose the mortgage and take possession of the site together with such other assets as are available. Options available to the Council would then include selling such assets and/ or using the site for another purpose.
 - e. Repayments are not forthcoming – whilst an external consultant has reviewed AIMREC's business plan, the company may default during the period of the mortgage (50 years). In the event of default, the Council will be able to foreclose the mortgage as above.

Equalities Impact Assessment

17. This is a financial transaction and therefore an EIA is not necessary.

Other Options Considered

18. The Newtown Railway Sheds were also considered for the project particularly given their location and railway heritage. The buildings are in a poor state of repair and as a Grade II Listed building would require renovation to English

Heritage requirements. It was understood that much of the funding raised would need to be spent on the renovation, leaving little left to convert the building to one with an environment suitable for storing and displaying vulnerable works of art required for the models that are intended to be displayed. Other concerns included the shape of the building (long and narrow) giving problems for display and circulation and limited area for car parking or external leisure such as picnic facilities and the live steam mini railway track.

19. Whilst the Newtown Sheds are of historical interest, the new build, that has already been given a resolution to grant planning permission, provides a state of the art landmark building with the necessary internal environment for exhibitions and exceptional visitor experience that aims to maximise the resources to be secured. In addition, a new modern build will provide sustainable utility management thus supporting the business plan to reinvest surpluses in the business and enable repayment to the Council.

Consultation

20. The land owner has been consulted on the planning application and received the contamination report.
21. The application for planning permission was consulted on and this generated publicity widely on the project and the centre's presence on the chosen site.

Handling

22. The Heads of Terms will require final agreement with AIMREC. Members are asked to authorise the Heads of Finance, Culture, and the Director of Law & Governance in consultation with the appropriate Portfolio Holders to:
 - a. approve the finalised business plan and any amendments or subsequent documents; and
 - b. agree final terms and conditions and to make variations to the terms at Appendix C if they consider it prudent to do so.

Conclusion

23. Officers have investigated and commissioned external consultants to support this request and ensure that the Council's investment is secure and repayments likely to be made.

Portfolio Holder's Views

24. Cabinet is requested to welcome this proposal and give its support to AIMREC to develop this new major international visitor attraction. I firmly support that the Council approves this investment arrangement based on the expert information received and the commitment of AIMREC. They are striving to deliver a significant project for Ashford that will help diversify and boost tourism and promote Ashford's illustrious heritage to a wider international audience and indeed local people which the Council should support.

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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 **31st March 2016**.

Present:

Councillor Clarkson (Chairman);

Cllrs. Mrs Bell, Burgess, Clokie, Dehnel, Hicks, Shorter, Smith

In accordance with Procedure Rule 1.2(iii) Councillors Mrs Bell, Burgess, Dehnel, Hicks and Smith attended as Substitute Members for Councillors Mrs Blanford, Bennett, Galpin, Heyes and Michael.

Apologies:

Cllrs. Bennett, Mrs Blanford, Britcher, Galpin, Heyes, Michael, Wedgbury.

Also Present:

Simon Cole – Head of Planning Policy & Economic Development; Ian Grundy – Principal Policy Planner; Ashley Taylor – Principal Policy Planner; 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 Clokie made a Voluntary Announcement that he was the current Chairman of the Hothfield Regeneration Task Group.
- 1.4 Councillor Hicks made a Voluntary Announcement that she lived in Magpie Hall Road.
- 1.5 Councillor Burgess made a Voluntary Announcement that he lived in Magpie Hall Road.

2. Notes of the Local Plan and Planning Policy Task Group Meeting held on 9th March 2016

- 2.1 The Task Group Members agreed that the Notes of the Local Plan and Planning Policy Task Group Meeting held on 9th March 2016 were an accurate record.

3 Local Plan Site Allocations – Draft Site Policies – Part 3

- 3.1 The Principal Policy Planner (IG) introduced this item and advised that this was the third set of site policies seen by the Task Group and the final set of village sites for discussion. He explained that some of these were new sites which had not been submitted to the Task Group previously. Others were sites which had already been discussed and amended by the Task Group. He stressed that as these sites were going into the draft Local Plan, there would also be further opportunity for amendments after public consultation.
- 3.2 The Chairman advised that all sites had been discussed with the individual Ward Members.
- 3.3 Members discussed the draft site policies put forward in the report. They supported some of the policies, whilst others were highlighted as needing further amendments before being included in the draft Local Plan.

Resolved:

- i) **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 Local Plan – Ashford Strategic Allocations – an overview

- 4.1 The Head of Planning Policy & Economic Development introduced this item. He gave a presentation on the proposed large allocations on the urban edge of Ashford, and the options to meet the need for housing in strategic allocations. The next steps would be for detailed site policies to be presented to future Task Group meetings.
- 4.2 A member requested that more detail be presented to the Task Group on the pros and cons of various site allocation strategy models for the Local Plan.

5. Local Plan Delivery – Viability, Infrastructure and Community Infrastructure Levy

- 5.1 The Principal Policy Planner introduced this item and gave a presentation on Local Plan Delivery, which covered:
- A recap on the need to demonstrate deliverability of the Local Plan;
 - Whole plan viability work;
 - Value areas map;
 - Initial scenario testing;
 - Key messages from scenario testing;
 - Current work;
 - Infrastructure delivery via S106 or CIL;
 - Potential CIL outputs;

- Next steps.

5.2 Members requested that copies of the presentations be circulated electronically.

6 Dates of Next Meetings

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

13 th April	2pm	Council Chamber
25 th April	2pm	Council Chamber
11 th May	2pm	Council Chamber

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

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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 **13th April 2016**.

Present:

Cllr. Bennett (Vice-Chairman in the Chair);

Cllrs. Mrs Blanford, Britcher, Burgess, Clokie, Hicks, Michael, Shorter, Wedgbury.

In accordance with Procedure Rule 1.2(iii) Councillors Burgess and Hicks attended as substitute Members for Councillors Galpin and Heyes respectively.

Apologies:

Cllrs. Bartlett, Bradford, Clarkson, Galpin, Heyes.

Also Present:

Cllr. Dehnel.

Simon Cole – Head of Planning Policy & Economic Development; Ian Grundy – Principal Policy Planner; Ashley Taylor – Principal Policy Planner; Richard Alderton – Head of Planning and Development; Jennifer Shaw – Housing Strategy Manager; David Jeffrey – Housing Enabling Officer; Rosie Reid – Member Services & Scrutiny Support Officer.

1 Declarations of Interest

- 1.1 Councillor Burgess made a Voluntary Announcement that he lived in Magpie Hall Road.
- 1.2 Councillor Dehnel made a Voluntary Announcement that he was a Member of Kingsnorth Parish Council.
- 1.3 Councillor Hicks made a Voluntary Announcement that she was a Governor of Kingsnorth Primary School. She also made a Voluntary Announcement that she lived in Magpie Hall Road.
- 1.4 Councillor Shorter made a Voluntary Announcement that he was a Director of Kent Play Clubs and A Better Choice for Building Consultancy Ltd. He also made a Voluntary Announcement that he lived in Magpie Hall Road.
- 1.5 Councillor Wedgbury made a Voluntary Announcement that he was a Member of Kingsnorth Parish Council.
- 1.6 Members of the Task Group agreed that those Councillors who had declared that they were residents of Magpie Hall Road should be permitted to give their opinions at the meeting as this was a consultation paper.

2. Notes of the Local Plan and Planning Policy Task Group Meeting held on 31st March 2016

- 2.1 The Task Group Members agreed that the Notes of the Local Plan and Planning Policy Task Group Meeting held on 31st March 2016 were an accurate record.

3 Strategic Site Allocations – South of Ashford Development Area – Site Policies

- 3.1 The Head of Planning Policy and Economic Development introduced this item. He explained that it was proposed the Task Group would discuss large site allocations over the next few meetings. Today's meeting would focus on three proposed sites in the Kingsnorth area, and other proposed sites in the Borough would be brought to the next two Task Group meetings. He gave a presentation which covered the key principles used to shape the location and nature of the proposed allocations and policies, as well as the scale of allocations. He gave individual presentations on the three different sites in question and distributed comments from interested Members who were unable to attend.
- 3.2 During the following debate, Members expressed concern that the three sites should be considered holistically and that master-planning should be undertaken to bring all the involved parties together and provide a cohesive plan for future development in this area. The Head of Planning and Development stressed that a great deal of work had been undertaken in the consideration of the proposed sites in order to present cohesive proposals. The three sites had been considered in relation to each other and the existing development and every effort had been made to avoid the coalescence of settlements. He suggested that stronger illustrative material be provided to demonstrate how the proposals were part of a bigger picture. He also suggested that a workshop could be held as part of the consultation process, and that a site visit might be useful for Members.
- 3.3 In response to a question, the Head of Planning Policy and Economic Development confirmed that the Draft Local Plan would be submitted to Cabinet on 9th June, and therefore details would be in the public domain from approximately the beginning of June when papers were published. The eight-week consultation period would commence not later than 17th June.

Resolved:

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

4. Government Consultation on Starter Homes and the Local Plan's proposed Affordable Housing Policy

- 4.1 The Principal Policy Planner (AT) introduced this item. She said that the Task Group had agreed an affordable housing policy in February, on the understanding that it may need to be amended once the details of the Housing and Planning Bill had been finalised. The Government had recently published consultation on a framework for starter homes, which clarified the Government's likely future policy. It was proposed that the Council's affordable housing policy should be amended to reflect the consultation proposals. The key proposals which would impact on the draft affordable housing policy were laid out in the report, and the proposed revisions to the existing policy were included as an appendix.
- 4.2 One Member suggested that the maximum qualification age of 40 be removed, but the Head of Planning Policy and Economic Development explained that this age stipulation was part of the parliamentary bill, and was outside of the Council's control.
- 4.3 In response to a question, the Principal Policy Planner confirmed that starter homes would be provided by developers on site as part of the provision of affordable housing. Starter homes, and all other forms of affordable housing, were exempt from CIL contributions.
- 4.4 One Member asked that the final paragraph on page 19 should include reference to Singleton South as part of the Ashford Hinterlands area.
- 4.5 Another Member pointed out that page 22 should be amended to read that the Council would require the provision of affordable housing on all schemes promoting 10 dwellings or more, **or over 0.5ha.**

Resolved:

That the Local Plan and Planning Policy Task Group agree the draft policy presented (appendix 1) for inclusion in the Local Plan 2030, accepting that it may need to be reviewed prior to the formal submission of the Local Plan, once the regulations that support the Housing and Planning Bill have been finalised.

5. Draft Design Quality Policy

- 5.1 The Head of Planning Policy and Economic Development introduced this draft policy. He said it emphasised the importance of having a generic design quality policy in the Local Plan as a means of providing a raft of useful supplementary guidance. The suggested text would be similar to that used in the Core Strategy. The key change would be that more text would be provided in the supplementary documents detailing the design process the Council would expect developers and applicants to undertake. He explained that it was important to set down the design process so the Council could clearly demonstrate the importance of design quality in all developments.

- 5.2 A Member asked how the Council would ensure that build quality was equal to design quality, and the Head of Planning and Development said more information on this would need to be included. Members endorsed the importance of ensuring that build quality was maintained and monitored.

Resolved:

That the Local Plan and Planning Policy Task Group agree the draft policy.

6. Dates of Next Meetings

- 6.1 The dates of the meetings arranged so far are:

25 th April	2pm	Council Chamber
11 th May	2pm	Council Chamber
23 rd May	2pm	Board Room

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

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**Notes of a meeting of the
Ashford Strategic Delivery Board
Friday 22nd April 2016 at 10.00am**

Present:

Board Members

Cllr Gerry Clarkson (Chairman) – Leader, ABC
Rt Hon Damian Green MP
Cllr Graham Galpin – Portfolio Holder for Town Centres Focus & Business Dynamics, ABC
Cllr Mike Bennett – Portfolio Holder for Planning, Development & Enforcement, ABC
Mr Mark Dance - Cabinet Member for Economic Development, KCC
Mark Lumsdon-Taylor – Hadlow Group
Paul Harwood – Highways Agency
Chris Moore, Development Director, HCA
Barbara Cooper, KCC

Non Board Members

Tracey Kerly, ABC
Richard Alderton, ABC
Lois Jarrett, ABC
Simon Cole, ABC
Stewart Smith, ABC
Andrew Osborne, ABC
Katie Stewart, KCC
Stephen Gasche, KCC
Keith Fearon, ABC

Huw Edwards – Network Rail
Mark Ellerby – Network Rail
Sara Peters – Network Rail

Apologies

Mr Matthew Balfour, KCC Cabinet Member for Transport and Environment

Item	Notes	Action
1.	Welcome The Chairman welcomed all those present at the meeting.	

2.	<p>Junction 10a – M20</p> <p>Chris Moore advised that the HCA had identified the potential for them to deliver forward funding of £16m which was subject to HCA and DCLG approval by the end of May 2016.</p> <p>Simon Cole explained that Highways England were currently undertaking the 2nd stage of the public consultation exercise prior to the submission of the Development Consent Order.</p>	<p>HA/HCA/ ABC</p>
3.	<p>Ashford Station/Spurs</p> <p>Stephen Gasche (SG) briefed on the discussion with Eurostar and their very positive commitment to continuation of services from Ashford. He also explained that the Annual Kent Rail Summit on 16 May would provide updates on the Ashford Spurs project from Network Rail. Andrew Osborne explained that the estimated cost of the project was being developed by Network Rail between now and September 2016 when more detailed costs would be available. He also outlined the level of funding that had been identified for the project to date.</p> <p>Barbara Cooper also advised of discussions over this issue at the Kent and Medway Economic Partnership (KMEP) who considered that this project was crucial for East Kent. They were, however, concerned at the potential for increases in the overall costs.</p> <p>Huw Edwards and Mark Ellerby of Network Rail then gave a detailed presentation on the project, which included information on the design of the scheme, and an outline work programme. At the present time HS1 was the only section of track using KVB in the Country and it was therefore paramount for safety reasons that the system was compatible with existing stock. Track possessions to install the system also required close co-ordination and needed to take account of Eurostar, the freight operators and Southeastern services.</p> <p>Huw Edwards and Mark Ellerby confirmed that they shared the Boards objective of ensuring that this project was undertaken.</p> <p>The Chairman said that the presentation had given the</p>	<p>KCC/ABC/ Network Rail</p>

	<p>Board a better understanding of the complex issues associated with delivering the project and he asked that Network Rail attend the next meeting in July to give a further update on progress.</p> <p>In terms of the overall funding for the scheme, Stephen Gasche advised that there was a continued requirement to lobby government to ensure that the full funding to deliver the project was in place.</p>	
4	<p>Commercial Quarter</p> <p>Stewart Smith advised that a detailed Planning Application had been submitted which was most likely to be considered by the Planning Committee in July 2016. Subject to planning permission being granted and the completion of the Section 106 agreement there was an 18 month build programme.</p>	ABC
5.	<p>Project Updates</p> <p>a) <u>Ashford College</u></p> <p>Mark Lumsdon-Taylor introduced this topic and explained that Phase 1 was within budget and on target for completion in March 2017 with the college moving in in July 2017. Phase 1A was likely to commence at the end of the year. He also stressed that it was important to ensure that the Skills Funding Agency understood the importance of the project to Ashford.</p> <p>Tracey Kerly explained that a report would be submitted to the ABC Cabinet in June regarding funding arrangements for Phase 1A.</p> <p>Mark Lumsdon-Taylor also explained that all Higher Education would be provided by the Group and externally validated by the University of Kent.</p> <p>b) <u>Elwick Place</u></p> <p>Stewart Smith reported that the Council had agreed at its meeting the previous evening to fund the construction of the development subject to due diligence.</p> <p>.</p>	<p>ABC/ Hadlow</p> <p>ABC</p>

c)	<p><u>Designer Outlet Expansion</u></p> <p>Richard Alderton advised that the target date for full opening of the additional units was early 2019, although it may be possible to bring this forward.</p>	ABC
d)	<p><u>Jasmin Vardimon</u></p> <p>Richard Alderton advised that 2 options were currently being considered. It was noted that the Arts Council still wished to support a scheme.</p>	ABC
e)	<p><u>Chilmington Green</u></p> <p>Richard Alderton advised that it was expected that the S106 agreement would be circulated for signing shortly and that the HCA had agreed to support the early delivery of the infrastructure.</p>	ABC/KCC/ HCA
	<p><u>Other Sites</u></p> <p>The Chairman advised that in future the agenda would be restructured to take account of other emerging schemes.</p>	ABC

	Next Meeting 29 July 2016	
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Agenda Item No: 14
Report To: CABINET
Date: 12TH MAY 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

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**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
12th May 2016					
The Draft Planning & Development Local Enforcement Plan		Cllr Bennett	Richard Alderton	Open	26/1/16
ABC Street Lighting	<i>To propose that the Council fund a capital investment programme to replace its lighting columns to adoptable KCC standard in order to transfer as many assets as possible.</i>	Cllr Bradford	Jo Fox	Open	26/2/16
Public Conveniences	<i>To propose a Community Toilet Scheme designed specifically for residents of Ashford.</i>	Cllr Mrs Bell	Tracey Butler	Open	14/3/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Council Tax Support Scheme 2017 – Draft for Consultation	<i>To agree a draft scheme that will form the basis of a consultation exercise that will seek to view of stakeholders on the options for the new scheme. Cabinet will then receive a report in the Autumn with the final recommendations for the scheme which once agreed and adopted will then form one of the elements of the 2017/18 budget.</i>	Cllr Shorter	Ben Lockwood	Open	31/3/16
9th June 2016					
Final Outturn 2015/16	<i>Final budget outturn for previous financial year</i>	Cllr Shorter	Ben Lockwood	Open	12/6/15
Quarterly Performance Report	<i>Standard Quarterly Performance Report</i>	Cllr Shorter	Nicholas Clayton	Open	4/4/16
Data Protection Policy	<i>To Approve the revised Data Protection and Information Security Policies which have been brought up to date to align with changes in national policy and current best practice.</i>	Cllr Knowles	Nicholas Clayton	Open	6/4/16
Corporate Delivery Plan		Cllr Clarkson	Kirsty Hogarth	Open	26/2/16
Anti-Social Behaviour and Enforcement		Cllr Bradford	James Hann/ Alison Oates	Open	7/12/15

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Litter and Dog Enforcement	<i>To propose a externally provided service pilot of one year and, subject to anticipated successful outcomes, procurement within the year to ensure continuity</i>	Cllr Bradford	Tracey Butler	Open	7/12/15
Housing Enforcement Policies	<i>To present the Housing Policies that contain enforcement actions and how these are consistent with the corporate approach. Member approval will be sought for the adoption of each policy.</i>	Cllr Clokie	Sharon Williams/ Jennifer Shaw	Open	7/12/15
Chilmington Design Code – Adoption as a Supplementary Planning Document	<i>To analyse all representations received following recent public consultation and seek approval to adopt the Codes as a Supplementary Planning Document to the 2013 Chilmington Green Area Action Plan, subject to any recommended amendments.</i>	Cllr Bennett	Mark Chaplin	Open	31/7/15
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
Draft Community Infrastructure Levy (CIL) Charging Schedule	<i>To seek agreement to the preliminary draft Charging Schedule and a programme of consultation on it. The intention is that this will be formally examined in parallel with the local plan timetable so that adoption of a CIL Charging Schedule would occur in late 2017 with CIL revenues to start flowing thereafter.</i>	Cllr Bennett	Simon Cole	Open	14/3/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
Ashford College Funding Phase 1a		Cllrs Clarkson/ Shorter	Ben Lockwood	Open	14/3/16
Ashford International Model Railway Education Centre – (AIMREC): Proposed new Major Visitor Attraction	<i>To describe the unique economic & tourism investment proposal to (a) build an international visitor attraction on the former Klondyke railway works site in keeping with priorities 1 & 4 of the corporate plan 2015-2020 and (b) regenerate the former Klondyke railway works and town centre tourism offer.</i>	Cllr Mrs Bell	Christina Fuller	Open	17/3/15
A Review of T-CAT's Role and Options for the Future	<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
Removal of High Street Parking Charges	<i>To agree changes to parking charges within the Borough aimed at ensuring that the Council's arrangements are fit for purpose in the current climate and supportive of wider corporate objectives.</i>	Cllr Bradford	Jo Fox	Open	26/2/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
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
Affordable Housing Provider Protocol		Cllr Clokie	Jennifer Shaw	Open	31/3/16
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
Procurement and Appointment of External Audit		Cllr Shorter	Paul Naylor	Open	31/3/16
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 Knowles	Nicholas Clayton	Open	10/7/15

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
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
Annualised Hours Policy		Cllr Knowles	Michelle Pecci	Open	28/4/16
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
Homelessness Strategy	<i>To update Members on the outcome of consultation and to seek approval for adoption.</i>	Cllr Clokie	Jennifer Shaw	Open	19/4/16

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
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
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

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
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
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

Decision Item	Report Summary	Relevant Portfolio Holder	Report Author	Open or Exempt	Added to Schedule
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 Bradford	James Hann/Elizabeth Mannington	Open	13/2/16
9th March 2017					
Annual Pay Policy Statement	<i>A review of the annual Pay Policy Statement and Ashford Living Wage Allowance.</i>	Cllr Knowles	Ian Smith	Open	11/3/16
6th April 2017					

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3/5/16